

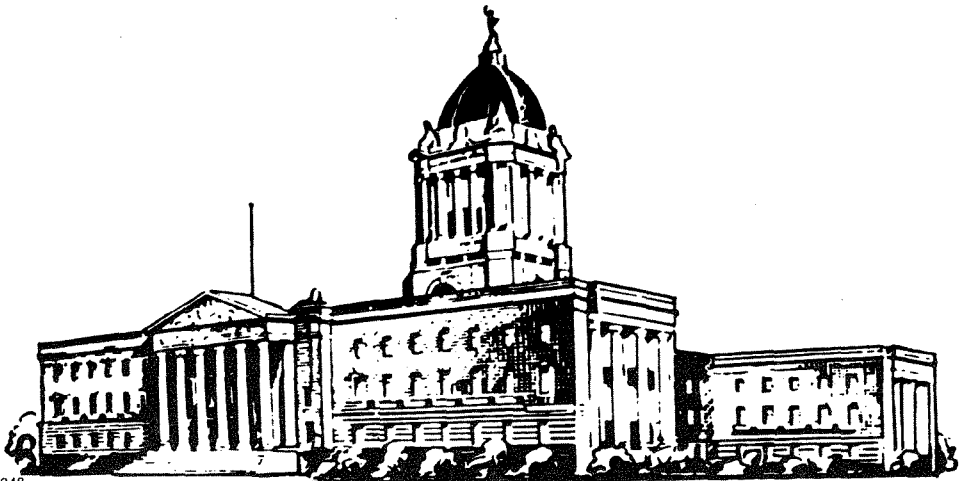


Second Session — Thirty-Second Legislature
of the
Legislative Assembly of Manitoba

DEBATES
and
PROCEEDINGS

31-32 Elizabeth II

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The Honourable D. James Walding
Speaker*



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MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Second Legislature

Members, Constituencies and Political Affiliation

Name	Constituency	Party
ADAM, Hon. A.R. (Pete)	Ste. Rose	NDP
ANSTETT, Andy	Springfield	NDP
ASHTON, Steve	Thompson	NDP
BANMAN, Robert (Bob)	La Verendrye	PC
BLAKE, David R. (Dave)	Minnedosa	PC
BROWN, Arnold	Rhineland	PC
BUCKLASCHUK, Hon. John M.	Gimli	NDP
CARROLL, Q.C., Henry N.	Brandon West	IND
CORRIN, Brian	Ellice	NDP
COWAN, Hon. Jay	Churchill	NDP
DESJARDINS, Hon. Laurent	St. Boniface	NDP
DODICK, Doreen	Riel	NDP
DOERN, Russell	Elmwood	NDP
DOLIN, Hon. Mary Beth	Kildonan	NDP
DOWNEY, James E.	Arthur	PC
DRIEDGER, Albert	Emerson	PC
ENNS, Harry	Lakeside	PC
EVANS, Hon. Leonard S.	Brandon East	NDP
EYLER, Phil	River East	NDP
FILMON, Gary	Tuxedo	PC
FOX, Peter	Concordia	NDP
GOURLAY, D.M. (Doug)	Swan River	PC
GRAHAM, Harry	Virten	PC
HAMMOND, Gerrie	Kirkfield Park	PC
HARAPIAK, Harry M.	The Pas	NDP
HARPER, Elijah	Rupertsland	NDP
HEMPHILL, Hon. Maureen	Logan	NDP
HYDE, Lloyd	Portage la Prairie	PC
JOHNSTON, J. Frank	Sturgeon Creek	PC
KOSTYRA, Hon. Eugene	Seven Oaks	NDP
KOVNATS, Abe	Niakwa	PC
LECUYER, Gérard	Radisson	NDP
LYON, Q.C., Hon. Sterling	Charleswood	PC
MACKLING, Q.C., Hon. Al	St. James	NDP
MALINOWSKI, Donald M.	St. Johns	NDP
MANNES, Clayton	Morris	PC
McKENZIE, J. Wally	Roblin-Russell	PC
MERCIER, Q.C., G.W.J. (Gerry)	St. Norbert	PC
NORDMAN, Rurik (Ric)	Assiniboia	PC
OLESON, Charlotte	Gladstone	PC
ORCHARD, Donald	Pembina	PC
PAWLEY, Q.C., Hon. Howard R.	Selkirk	NDP
PARASIUK, Hon. Wilson	Transcona	NDP
PENNER, Q.C., Hon. Roland	Fort Rouge	NDP
PHILLIPS, Myrna A.	Wolseley	NDP
PLOHMAN, Hon. John	Dauphin	NDP
RANSOM, A. Brian	Turtle Mountain	PC
SANTOS, Conrad	Burrows	NDP
SCHROEDER, Hon. Vic	Rossmere	NDP
SCOTT, Don	Inkster	NDP
SHERMAN, L.R. (Bud)	Fort Garry	PC
SMITH, Hon. Muriel	Osborne	NDP
STEEN, Warren	River Heights	PC
STORIE, Hon. Jerry T.	Flin Flon	NDP
URUSKI, Hon. Bill	Interlake	NDP
USKIW, Hon. Samuel	Lac du Bonnet	NDP
WALDING, Hon. D. James	St. Vital	NDP

LEGISLATIVE ASSEMBLY OF MANITOBA

Tuesday, 21 June, 1983.

Time — 2:00 p.m.

OPENING PRAYER by Mr. Speaker.

MR. SPEAKER, Hon. J. Walding: Presenting Petitions
. . . Reading and Receiving Petitions . . .

PRESENTING REPORTS BY STANDING AND SPECIAL COMMITTEES

MR. SPEAKER: The Honourable Member for River East.

MR. P. EYLER: Mr. Speaker, the Committee of Supply has adopted a certain resolution, directs me to report the same and asks leave to sit again.

I move, seconded by the Member for The Pas, that the report of the committee be received.

MOTION presented and carried.

MR. SPEAKER: The Honourable Member for Thompson.

MR. S. ASHTON: Mr. Speaker, I beg to present the First Report of the Standing Committee on Industrial Relations.

MR. CLERK, W. Remnant: Your Standing Committee on Industrial Relations begs leave to present the following as their first report:

Your Committee met on Tuesday, June 21, 1983, to consider Bill (No. 42) - The Jobs Fund Act; Loi sur le fonds de soutien ' l'emploi, and has agreed to report the same without amendment.

All of which is respectfully submitted.

MR. SPEAKER: The Honourable Member for Thompson.

MR. S. ASHTON: Mr. Speaker, I move, seconded by the Honourable Member for Riel, that the report of the committee be received.

MOTION presented and carried.

MINISTERIAL STATEMENTS AND TABLING OF REPORTS

MR. SPEAKER: The Honourable Minister of Energy and Mines.

HON. W. PARASIUK: Mr. Speaker, I have a statement.
Mr. Speaker, I rise today to make a short but significant announcement regarding the stimulation of mineral exploration in the Lynn Lake area of the Province of Manitoba.

Mr. Speaker, I'm pleased to announce that in co-operation with the Federal Government, a two-year, \$1

million agreement has been signed on scientific studies relating to the geology of the region.

It is our hope that these studies will furnish the necessary information that can be used by mining companies in the search for new ore bodies that could provide continuing employment for the community. This program expands our government's efforts to direct support into this region and will complement the mineral exploration thrust currently under way by Manitoba Mineral Resources Ltd. and several private companies.

In conclusion, Mr. Speaker, we know that the Fox Lake mine is the major employer in the Lynn Lake area and that the mine is running out of ore. We have been told that possibly this mine will close by 1985-86. It is our hope that these studies will provide the necessary base of information so that new ore bodies can be found and the long-term stability of Lynn Lake can be assured.

MR. SPEAKER: The Honourable Member for Turtle Mountain.

MR. B. RANSOM: Thank you, Mr. Speaker. This announcement by the Minister is welcomed by members of the opposition, Mr. Speaker. I just simply would point out that this is a continuation of the sort of thrust that governments have been directing into the Lynn Lake area for some period of time, that substantially more effort has been directed there by way of the basic geological work than, indeed, by mining exploration companies, in terms of the actual site's specific exploration as well. Unfortunately, to date, there are not sufficient prospects in mind for the development of a mine. Time will be required before this type of effort can be expected to yield some real benefits, in terms of deposits that can be developed into a mine. So we can only hope, Mr. Speaker, that this effort, along with others that are already ongoing, will produce something tangible before we see the close of the Fox Lake mine which seems inevitable within the next few years.

MR. SPEAKER: Notices of Motion . . . Introduction of Bills . . .

INTRODUCTION OF GUESTS

MR. SPEAKER: Before we reach Oral Questions, may I direct the attention of the honourable members to the gallery.

We have 24 students of Grades 6-8 standing of the Reinfeld School under the direction of Mr. Hoepfner. The school is in the constituency of the Honourable Member for Rhineland.

There are 30 students of Grade 5 standing from the Daerwood School under the direction of Miss Kulpack. The school is in the constituency of the Honourable First Minister.

There are 26 students of Grade 6 standing from the Ruth Hooker School under the direction of Miss

Johnston. The school is in the constituency of the Honourable First Minister.

There are 15 students of Grades 9 to 11 standing from the St. John's School under the direction of Mr. Shah and the school is in the constituency of the Honourable Minister of Cultural Affairs.

On behalf of all of the members, I welcome you here this afternoon.

ORAL QUESTIONS

Consumer Price Index

MR. SPEAKER: The Honourable Member for Turtle Mountain.

MR. B. RANSOM: Mr. Speaker, my question is to the First Minister. For the last many months and, indeed, years of the Conservative administration in Manitoba, Manitobans enjoyed one of the lowest consumer price indexes in Canada. Over the past few months that seems to have been changing, Mr. Speaker, and the consumer price index has been creeping upwards. Unfortunately, today's information indicates that Winnipeg has the highest consumer price index, May over May of last year of any city in Canada at 7.6 percent and is above the Canadian average of 5.6 by some 41 percent, Mr. Speaker. Can the First Minister advise the people of Manitoba when they can expect to have some relief from this kind of burdensome increase in the consumer price index which seems to be flowing directly from actions by this government.

MR. SPEAKER: The Honourable First Minister.

HON. H. PAWLEY: Mr. Speaker, first I should point out to the former Minister responsible for Finance and for Turtle Mountain that in 1982 Manitoba enjoyed the lowest CPI of all provinces in Canada as well. There have been a number of developments pertaining to the last few months that account for the larger CPI insofar as the Province of Manitoba is concerned. One is the fact that insofar as increase in employment in Manitoba this past month over same month in 1982 there has been an increase of 1 percent, whereas in Canada as a whole there has been a decrease in the number of employed.

Insofar as housing is concerned, Mr. Speaker, the housing market in the Province of Manitoba has been very stimulative. The number of housing starts, in fact, has been greater than in any other province in Canada, while in other provinces there has been a decline in respect to the housing industry and particularly housing prices. So there has been a drop in respect to housing prices in other parts of Canada due to a much less healthy housing industry in other parts of this country.

There are a number of aspects which I would point out to honourable members, Mr. Speaker. First and foremost, the largest single increase is by way of increases pertaining to tobacco and liquor portion of the CPI. It is true that indeed the past Budget and the Budget prior in Manitoba witnessed substantial increases insofar as tax was concerned in both the liquor and the tobacco areas and that has contributed considerably to the increase in the CPI in the Province of Manitoba.

Mr. Speaker, to properly have an understanding of this issue we have to wait for the year-end statement 1983, to be able to compare the '83 situation with '82 at the end of the calendar year.

One other aspect I should mention for the benefit of the honourable members, in both Quebec and Ontario there have been gas wars the last month or two whereas we have not enjoyed gas wars in the Province of Manitoba and that has been reflected by way of lower transportation price increases in the Province of Quebec and Ontario than indeed in the case of Manitoba.

MR. B. RANSOM: Mr. Speaker, having the highest consumer price index of any city in Canada is not an enviable position for Winnipeg to be in. If it was only a one-month situation, one could say that it perhaps was an aberration but this trend has been continuing for some months now, and I am sure the public are going to want to know when they can expect some relief from it. That was my question to the First Minister, when can Manitobans expect to see the consumer price index drop back down relative to the rest of Canada where it was when this government took over?

HON. H. PAWLEY: Mr. Speaker, insofar as when is it going to drop, there has already been a decrease. In fact in the space of last month for the edification of the honourable member there's been a decrease of one-half of 1 percent insofar as the CPI is concerned in the Province of Manitoba, so the decrease is already under way. I believe the decrease was from 8.2 percent the month previous to 7.6 percent. So there has already been a one-half of 1 percent decrease in the space of one month only in the Province of Manitoba.

Mr. Speaker, I would like to add for the benefit of the honourable member that one of the reasons for a higher price situation in the Province of Manitoba is the fact that retail sales in Manitoba have been stimulated compared to other provinces. I would like to just place these figures on the record for the benefit of members.

The percentage change from a year earlier, January to April in Manitoba, Manitoba increase in retail sales, 4.3 percent; Saskatchewan, 3.6 percent; Alberta, 0 percent; British Columbia, -1.2 percent. So clearly where there is no increase in retail sales, or where there's a very marginal increase, by way of retail sales, prices will be decreased because of the very low demand in respect to retail sales. That unfortunately has not been the case in Manitoba, and Manitoba's retail sales, insofar as other Western provinces are concerned, have led the way.

MR. B. RANSOM: Mr. Speaker, is the First Minister suggesting that there is such a burgeoning demand for goods in Manitoba, that this inflation is price-driven, demand-driven?

HON. H. PAWLEY: Mr. Speaker, I think from the figures that I provided to the honourable member that he can see that it's not that there is such great demand for sales in Manitoba, but where you have a very depressed demand in other Western provinces; where, in fact, there is rather a static situation, rather than an increase

by way of retail sales - for example, in the Province of British Columbia - but, in effect, a drop in retail sales, as indeed was the case this past month, that there is not going to be very little increase by way of CPI in the Province of British Columbia, that stands to reason. Or if, as we have in Alberta, 0 percent increase in sales tax where the market is in a depressed state, where there is no increase in retail sales, obviously that will be of a severe dampening effect insofar as consumer purchasing in the Province of Alberta.

Mr. Speaker, one need not have excelled in economics, as my colleague the Honourable Member for Brandon East has, in order to appreciate that basic Economics 201 elementary.

MR. B. RANSOM: Mr. Speaker, I think that the consumers of Manitoba might have some trouble appreciating the argument of the First Minister, given that Winnipeg has the highest consumer price index increase, May this year over May of last year, at 7.6 percent, compared to a national average of 5.4 percent. While Manitoba has declined from the previous month it seems that every other centre is still substantially below, and I would be interested in knowing what action the First Minister is going to take to try and put Manitoba back into a competitive position, so that our people who are on pensions and fixed incomes, or indeed the wage earners, are not suffering to a greater extent than other Canadians are.

Manitobans enjoyed, essentially, the lowest increase in consumer price index when this government took over; and like unemployment it seems to have skyrocketed since that time, Mr. Speaker. We'd be interested in knowing what the First Minister plans to do about it.

HON. H. PAWLEY: Mr. Speaker, I think that the honourable member certainly exaggerates at great length if he suggests - and I don't know whether I heard him correctly - but he said that CPI had skyrocketed. There's been a reduction by way of the consumer price index of one-half of 1 percent.

In regard to putting Manitoba into a competitive position and the basic references insofar as the City of Winnipeg where the CPI has been the greatest by way of increase of the major cities, Winnipeg with its CPI of 116.2 is mid range of major Canadian cities. There are seven cities that are higher in Canada; there are seven cities that are lower despite, Mr. Speaker, the fact as I acknowledged earlier, we have increased tobacco and liquor taxes in Manitoba at a rate which has increased very substantially the CPI in respect to those two items, because if one undertakes a comparison pertaining to the elements that have caused an increase in the CPI in the Province of Manitoba, one will find that the tobacco and the liquor increases, proportionately has outdistanced the other ingredients of the CPI increase.

Foster homes - Native children

MR. SPEAKER: The Honourable Member for Fort Garry.

MR. L. SHERMAN: Mr. Speaker, my question is to the Honourable Minister of Community Services and I would

ask him whether Native children are being unilaterally removed from non-Native foster homes in Manitoba at the present time.

In the course of pursuing the review of the child welfare system that he's undertaken, in the course of waiting for the final recommendations of Judge Kimelman with respect to his investigation, can the Minister advise this House whether Native children who have been in non-Native foster homes in Manitoba are being unilaterally removed from those homes and placed in Native environments?

MR. SPEAKER: The Honourable Minister of Community Services.

HON. L. EVANS: Mr. Speaker, as the honourable member knows the great bulk of the action in terms of family and child services is performed by the Children's Aid Societies of the province. Of course the government is involved in the more remote areas.

But in view of the member's question I think the best course of action is for us to take a survey of the Children's Aid Societies to find out exactly whether this is so, as the member is referring.

MR. L. SHERMAN: I'd appreciate that, Mr. Speaker. I'd appreciate knowing from the Minister what practices are in place at the present time in the Child Welfare system in respect to Native, partly Native, or purportedly Native children who are in the care of non-Native foster parents, and what recourse a white or non-Native foster parent has when a Native or partly Native child in that foster parent's care is unilaterally removed from that person's home.

HON. L. EVANS: Well, as I indicated, Mr. Speaker, we'll look into that. I would trust nothing is happening that is of an inhumane nature, and that the Children Aid Societies of Manitoba and my department, the Child and Family Service portion is doing their job, as they have done in the past, in a fair and equitable fashion.

MR. L. SHERMAN: Mr. Speaker, would the Minister also look into the situation where a partly Native child, a child of a Native mother, who is therefore deemed to be Native, is removed from a white foster home and is moved onto a reserve, even though that child never had any experience on the reserve in his or her lifetime, and has always lived with non-Native foster parents? Would the Minister look into that situation, too?

HON. L. EVANS: Certainly, Mr. Speaker, we will look into that and obtain a report. However, Mr. Speaker, I would invite my honourable friend, if he has any specifics, to share those with us, to enable us to look into any particular problems that he may have in mind. It seems to me, he might have some specific matters in mind, and I would appreciate getting that information.

MR. L. SHERMAN: Yes, Mr. Speaker, not a question, but an assurance that I will provide that information to the Minister.

Landfill sites study

MR. SPEAKER: The Honourable Member for Tuxedo.

MR. G. FILMON: Thank you, Mr. Speaker. My question is for the Honourable Minister of the Environment. When will the Minister be releasing the Federal-Provincial study, which has recently been completed and identifies 22 landfill sites in rural Manitoba, as being in need of an in-depth analysis and investigation to look into environmental pollution concerns?

MR. SPEAKER: The Honourable Minister of Northern Affairs.

HON. J. COWAN: It's my understanding that the report is available and I've asked staff, as a result of today's newspaper article, to determine exactly how that report was circulated. I know, I personally, had made it available to at least one mayor of a municipality, who requested it some time ago, so it is a public document. I have been under the impression that it has been released, and if it hasn't been circulated, then I will ensure that it is circulated in the appropriate fashion.

MR. G. FILMON: Will the Minister ensure that the Manitoba Association of Urban Municipalities is given that information, so that municipalities and people living throughout rural Manitoba need not be concerned that their areas are ones in which there are serious concerns for pollution of ground water and other environmental hazards. In view of the fact that apparently the report seems to indicate that 578 of the 600 that have been investigated are free of concern, those who have the 22 ought to be aware of it, so that they know that theirs is an area that needs further investigation.

HON. J. COWAN: Yes, I certainly intend to ensure that this report is circulated, discussed and dialogued, as much as is possible, with all parties. I regret it that has not been the case to date. I can assure you my direction has been and will continue to be, to work with those municipal associations and their organizations on a regular basis, to share this sort of data.

We are attempting to, through the departmental staff, put in place mechanisms that enable that to be done in each and every instance. If this is one of those occasions where that has not gone forward as it should have, then we will undertake the necessary corrective action now and staff will be informed - they are, and have been informed already - that they are to make these reports available as soon as they can and that they are to discuss them and provide detail and data, when asked questions about them. That has not always been the case in the past, but I can assure you it will be the case in the future.

MR. G. FILMON: Yes, in view of the fact, Mr. Speaker, that the report apparently indicates that there are concerns that some of these landfill sites could be leaking contaminants into ground water and streams, will the Minister ensure that his department alerts people in the area, so that the concerns are known and that they may take precautions in the use of their drinking water supplies and other things until the final in-depth studies are able to be completed?

HON. J. COWAN: Well, I can offer a general assurance now, through this mechanism, and then I will certainly ensure that staff follow up on an individual basis. As a matter of fact, I've indicated that I've already given direction for staff to follow on an individual basis and they will be doing so.

But I want to give a general assurance now that the 22 sites that were indeed identified, as requiring further review, are sites of the greatest potential for problems to be incurred at. They are not sites where we have found major problems or contamination of ground water, surface water or drinking water supplies to exist, but they are the 22 sites that have been identified as having a maximum potential for that sort of an occurrence.

So, certainly the advice which the member has just suggested to me, is advice that is well received, as we have already undertaken the actions which he has requested of us at this time. I thank him for the encouragement in that regard.

Core Area Initiative - employment

MR. SPEAKER: The Honourable Member for St. Norbert.

MR. G. MERCIER: Mr. Speaker, in the collection of 1981 in the NDP's election document, "A Clear Choice for Manitobans," the First Minister indicated with respect to the City of Winnipeg that the NDP would support the Core Area Initiative Program, but would insist that it focus on employment rather than large new office buildings. They've succeeded, Mr. Speaker, in not building any large, new office buildings. Can the Minister confirm that with respect to employment, only some 200 persons have been employed under Core Area Initiative Program?

MR. SPEAKER: The Honourable Minister of Cultural Affairs.

HON. E. KOSTYRA: Thank you, Mr. Speaker. No, I can't confirm that only 200 people have been employed under Core Area Initiative projects. I can state that we have been working with our partners, with respect to the employment programs under the core, and to date there have been 265 positions trained under the Employment and Training Agency, which is under the Department of Education. There are further to, 156 positions in the developmental stage at the moment. The Provincial Government has made a commitment, and is in the process of developing the program under the Department of Labour and under the Minister of Labour and Human Resources, to provide programs to train core area residents in clerical jobs in the Provincial Government. So the Provincial Government has given a direct commitment to allow for training of core area residents for positions within the Provincial Government.

I regret that the other two partners to the Core Area Initiative, the Federal Government and the city, have not made a like commitment with respect to affirmative action programs for core area residents in their respective governments, and I have been continually urging them to adopt the same position, so there can be positions in those levels of government.

I can also let the member know that just recently, after urging from the Provincial Government, an

industrial program has been developed and approved just last week by the core area office, which will allow for \$7.1 million to be used for industrial incentives for industry to locate and to want to locate in the core area to assist with the high cost of land, as it is in the core, against other parts of the City of Winnipeg; and secondly, to allow for some defrayal of the costs of implementing affirmative action programs for core area residents.

I believe, Mr. Speaker, that this government has kept its commitment, as stated during the campaign, to work for greater employment opportunities under the core area, indeed, there was a shift of funds to training programs under the Core Area Initiative.

MR. G. MERCIER: Mr. Speaker, the Minister talked a lot about training, but very little about jobs. Mr. Speaker, the Core Area Initiative Program provided for the Logan Industrial Development and attempted to set out, as an objective of the program, to attract new industrial enterprises to the core area. The Minister of Urban Affairs drastically changed that concept, Mr. Speaker. Can he advise whether or not there are any new industrial enterprises who are committed to locating in the very much modified Logan industrial area?

HON. E. KOSTYRA: Thank you, Mr. Speaker, I believe I was talking about jobs. When one talks about training, and when one talks about people that have been under employed and who have not had the necessary skills to break into the job market, one has to talk about training in order to give those people the kind of skills that are needed, in order that they can get jobs. What we're doing, rather than train people for jobs that don't exist, we are undertaking, through the employment and training agency, to have a firm commitment of jobs before the training programs are commenced, so that those people are going to be trained for jobs that do, indeed, exist, and they're not merely going to be unemployed with greater levels of training.

With respect to the Logan Avenue Industrial Park, the park itself has been redesigned into a smaller area, however, as I just indicated in response to the other question, the Core Area Initiative partners have agreed to a \$7.1 million industrial fund which is allowing for industrial incentives for businesses, industries to locate in the Logan Industrial Park area, as it is redefined now or, indeed, any other area in the core that industry may decide to locate. Because I think, as the member can appreciate, if he does drive to the core, that there are a number of, in fact, a great deal of sites that are vacant that can be used for industrial activity that are scattered in other established commercial-industrial sites in the core, so we are proceeding with that program and I'm pleased that my partners in the core have agreed to that industrial fund program.

In addition, we have been pressing our partners to agree to a Small Business Assistance Program for core area small businesses that exist and want to grow in the core, and I regret to date that program hasn't been accepted by, in particular, the Federal Government, but we are still pushing and hoping that we can receive agreement and resolve to get that program under way as soon as possible.

CN East Yards - development

MR. G. MERCIER: Mr. Speaker, some two years after the program has been initiated we have training programs, but no jobs for those people; we have no industrial development commitments. Mr. Speaker, another facet of the program was with respect to the CN East Yards where there was to be a major redevelopment at the junction of the Red and Assiniboine Rivers funded under the Core Area Initiative Program, and under the ARC Program. Can the Minister advise whether we can expect any development of the East Yards?

HON. E. KOSTYRA: Thank you, Mr. Speaker, I do sincerely hope that we can have the kind of development that's contemplated and agreed to under the ARC Agreement and the Core Area Initiative Agreement for the CN East Yards. However, the Core Area Initiative has not been successful to date in its discussions, in its negotiations with CNR, with respect to the land that's presently held and owned by the CN in the East Yards area. There is a small portion of those lands that have been expropriated, on behalf of the Core Area Initiatives, that is in the public domain but, unfortunately, the majority of the lands still rest in control and ownership of the CN. The discussions to date have not been successful in coming to an agreement with CN and, indeed, I've raised this issue on a number of occasions with the Federal Ministers responsible, both for the Environment, responsibility for Parks Canada and the ARC Agreement at the federal level, and the Federal Minister responsible for Transportation, and the Manitoba Minister in the Federal Cabinet, to press CNR to donate those lands to the City of Winnipeg, to the people, so that those important lands can be made available to the citizens of the city. To date I, unfortunately, have not received any response to my numerous telexes, telegrams and letters to the Federal Ministers, but I do have assurance from Mr. Axworthy, the Federal Minister of Employment and Immigration, that he will convene a meeting with representatives in the near future and I'm pressing for that meeting to happen as quickly as possible.

North of Portage - development

MR. G. MERCIER: Mr. Speaker, another program under the Core Area Initiative was with respect to the north of Portage redevelopment, designed to encourage new commercial and residential investment north of Portage Avenue, which was to be implemented and co-ordinated by North of Portage Development Corporation composed of businessmen and people expert in that field and in that area north of Portage Avenue. Can the Minister explain why a North of Portage Development Corporation was never appointed?

MR. SPEAKER: The Honourable Minister of Cultural Affairs.

HON. E. KOSTYRA: Thank you, Mr. Speaker, there was a consultant that was retained and did bring forth recommendations with respect to the formation of a North of Portage Development Corporation, however, at the point in time that that report was presented to

the Policy Committee of the Core Area Initiatives, was the same time as the discussion centred on a further expansion to the north Portage project, in particular, the interest in the north Portage development that is under discussion now between the three levels of government through the mechanism of the task force. The core area program for the north Portage is going to be incorporated into the present discussions that are ongoing with the North Portage Task Force which will be reporting to the respective governments by the middle of July, and I would expect that shortly after that plans will be announced for a comprehensive development in the north of Portage using the existing core area funds, and the additional funds that we were able to secure from the Federal Government for additional activities in that area.

MPIC questionnaire

MR. SPEAKER: The Honourable Member for Turtle Mountain.

MR. B. RANSOM: Mr. Speaker, I have a question for the Minister responsible for the Manitoba Public Insurance Corporation. Would the Minister agree to provide the House with a compilation of the questionnaire which MPIC has sent to its agents, and which is to be returned to them by June 22; would he undertake to provide the House with a summary of those returns when they're available?

MR. SPEAKER: The Honourable Minister of Consumer and Corporate Affairs.

HON. J. BUCKLASCHUK: Yes, that information being compiled by MPIC is for the purpose of testing the attitude of MPIC agents, with respect to any proposal we may have. It is a document that is used purely for the study, and I don't see that it would serve any value in being made a public piece of information.

MR. B. RANSOM: Mr. Speaker, perhaps the judgment, as to whether information is valuable or not valuable, should not be left in the hands of the Minister. If the information is valuable to the Public Insurance Corporation, and to the government, to help them assess whether they should be going into this area, into the area of life insurance and pension management, then it should be of value to members on this side of the House. I'm simply asking the Minister not to make the judgment of whether it will be of any use to us or not, but whether he will make it available.

HON. J. BUCKLASCHUK: In view of that I shall take that question as notice.

Committee meeting - MTS & Hydro

MR. B. RANSOM: I thank the Minister for that undertaking, Mr. Speaker. I have a question for the Attorney-General in his capacity as House Leader.

The Standing Committee on Natural Resources and Public Utilities had been called for this morning to consider Manitoba Telephone System as well as Manitoba Hydro. By agreement Manitoba Hydro was

not called before the committee and it was cancelled for Manitoba Telephones. Can the Government House Leader advise the House when we might expect to have Manitoba Telephone System called before the committee?

MR. SPEAKER: The Honourable Government House Leader.

HON. R. PENNER: I will take that as notice and hopefully provide an announcement with respect to that tomorrow.

MTS rural service

MR. B. RANSOM: Mr. Speaker, I have a question for the Minister responsible for the Manitoba Telephone System.

Approximately two weeks ago it was brought to his attention that people in southwestern Manitoba who previously had enjoyed having telephone lines that had as low as two customers per line, and that due to a policy change or at least to new action on the part of Manitoba Telephone System by providing private lines to some people for a fee of \$500, others now find that they are once again on lines that have three and four customers. That is a situation which they regard as quite unsatisfactory. My question to the Minister of the Manitoba Telephone System is, what does he plan to do to change that situation back to that which prevailed previous to that policy change?

MR. SPEAKER: The Honourable Minister of Government Services.

HON. J. PLOHMAN: That is a question that the honourable member should be aware is one that is being considered and one that costs money. If he wants to have improved services in the rural areas, he knows that it means increased capital costs by the Telephone System to provide additional lines or lay additional lines. What they're trying to do is provide private service for those requests that are made to the Telephone System on a request basis, and when this results in the number on the line being less than the maximum number that has been set as satisfactory over the years by the Telephone System, then they will do that with the existing services.

The member is quite aware I'm sure that if the Telephone System wants to extend private lines to everyone or do it without using existing cables, that it's going to be very expensive. The other side, the opposition is constantly saying that the rates should not be increased, and yet they are asking for improved service, Mr. Speaker. I think they have to reassess that position and decide whether they do indeed want increased services, or whether they want the costs kept down by the Telephone System and I think that's something that the honourable member should address.

MR. B. RANSOM: Mr. Speaker, this is a question of restoring service which was available to the users of Manitoba Telephone System while our government was in power. It has been since the advent of the New Democratic Party that the service in Manitoba Telephone System has deteriorated.

I would ask a question to the Minister responsible for Manitoba Telephone System, does he think that it is just and equitable that some telephone users should have a lower level of service in order that others should have better service?

HON. J. PLOHMAN: There's been no policy change with regard to the number of subscribers on lines what the maximum number should be. There's been no change between the former government's position on this and the present government, Mr. Speaker. The honourable member knows that.

The subscribers who are on lines where there were two members on a party line were certainly on a line that received a deluxe service, one that is not provided as a general rule across the province; certainly one that cannot be afforded in a party line structure and to go from that to private lines for everyone of course would not be a feasible thing to do.

The honourable member is trying to make it look like there's a deterioration of service, that it is unreasonable to have three people on a party line. That has certainly always been a policy, Mr. Speaker, that has existed in many areas of the province. As a matter of fact there are areas where service is just being provided for the first time. In many cases there has been in the past a much larger number of subscribers on a party line. The Telephone System through the years is bringing that down to an acceptable number of three or four and it is something that more and more subscribers are enjoying. So I would disagree with the honourable member and say that there has been improvement in the service offered by the MTS overall. The honourable member can quote from individual situations, but he should realize that overall, Mr. Speaker, there has been improvement in the service.

MR. SPEAKER: The Honourable Member for Pembina.

MR. D. ORCHARD: Mr. Speaker, a question for the Minister responsible for the Manitoba Telephone System.

Can the Minister indicate that when he approved the \$500 flat rate charge by which certain rural customers could obtain a private line, whether the Minister, when he gave that approval, was aware that customers on party lines would have their line loadings increased from two customers up to three and four customers depriving them of a level of service that they enjoyed prior to the implementation of the policy he approved?

MR. SPEAKER: The Honourable Minister of Government Services.

HON. J. PLOHMAN: Mr. Speaker, the problem is one that we certainly wanted to have addressed in terms of making private lines available to people at a lower rate than was under the previous government when they offered through the Telephone System, private lines, it was much more costly. So it is a goal that is desirable. Certainly it is necessary for a number of the rural areas, for the farmers to have private lines for Teledon services to enjoy and to utilize the grass-roots service that is available, so more and more private lines would be necessary for this.

It is a matter that was not considered directly by myself - it was one that was addressed administratively by the MTS - and they made the decision to reduce the maximum to \$500 that would be charged to subscribers when they were to be given private lines. I believe that is a positive move. It is one that has to be taken of course with some other costs, and that is of course in some instances there's a larger number on a party line.

However, as I said earlier, it is a party line; it is not a private line and it is something that we have recognized and is something that everyone has recognized that private service cannot be offered to everyone in the rural areas and three to four are still under the acceptable level, Mr. Speaker.

MR. D. ORCHARD: Mr. Speaker, I'm having a great deal of difficulty determining from the Minister's last answer whether indeed he is taking credit for the program or criticizing the Telephone System for implementing without his knowledge. My question to the Minister is similar to the first one which he didn't answer. Is he satisfied with a policy that he has now explained to us, which gives a lesser level of service to a great number of rural customers, on party lines, to benefit possibly one or two customers in a given set of party line exchanges; is he satisfied with that kind of discrimination?

HON. J. PLOHMAN: Mr. Speaker, I would disagree that there is discrimination. I am certainly never satisfied with the service, we would all like to have improved service; I think, even the honourable members in their convoluted way are attempting to say they want improved service with no cost to it. They should know already that it does cost money to offer improved services. I am not satisfied, at any time, with the fact that rural areas are not able to receive private-line service to everyone, but we can't. In economic conditions as they are right now it's just not feasible to do that. I think that it is something that is satisfactory, in terms of the three to four. I have to point out to the honourable member that those people who were enjoying less than that on a party line were receiving a deluxe service, an unusual service for what they are paying for.

Let's face facts, when you look at the situation you could not possibly offer that right across the province, and the honourable members well know that, without the basic telephone rates, which are the lowest in North America, being increased to a great extent. If the honourable members are suggesting that, let them say that, let them say also that we should be - they were accusing us earlier that we shouldn't interfere with the MTS - shouldn't tell them what to do; are they suggesting now that I tell the MTS exactly what they have to charge in every area, and when they can put in a private line and when they cannot, Mr. Speaker? They are not being consistent in their approach and in their criticism.

MR. SPEAKER: Order please. The time for Oral Questions has expired.

ORDERS OF THE DAY

MR. SPEAKER: The Honourable Government House Leader.

HON. R. PENNER: Yes, Mr. Speaker, it's the intention to move now into Supply, one committee in the House and, anticipating a fairly early end to the motion that's left, we'll come back on Committee Rise to consider a number of bills on second reading.

Accordingly, Mr. Speaker, I move, seconded by the Minister of Health that Mr. Speaker do now leave the Chair, and the House resolve itself into a Committee to consider of the Supply to be granted to Her Majesty.

MOTION presented and carried and the House resolved itself into a Committee to consider the Supply to be granted to Her Majesty, with the Honourable Member for River East in the Chair for the Jobs Fund.

COMMITTEE OF SUPPLY

SUPPLY - JOBS FUND

MR. SPEAKER: The Honourable Member for River East.

MR. CHAIRMAN, P. EYLER: Committee, come to order. We are considering the Estimates of the the Jobs Fund. Are there any questions or comments.

Resolution No. 145: Resolved that there be granted to Her Majesty a sum not exceeding \$72,200,000 for the Jobs Fund for the fiscal year ending the 31st day of March, 1984—pass.

That concludes the Estimates for the Jobs Fund. Is there any other business for the Committee?

Committee rise. Call in the Speaker.

Your Committee has adopted certain resolutions, directs me to report same, and asks leave to sit again.

IN SESSION

MR. SPEAKER, Hon. J. Walding: The Honourable Member for River East.

MR. P. EYLER: Mr. Speaker, I move, seconded by the Member for Radisson, that the report of the committee be received.

MOTION presented and carried.

ADJOURNED DEBATES ON SECOND READING

MR. SPEAKER: The Honourable Government House Leader.

HON. R. PENNER: Yes, Mr. Speaker, would you please call the adjourned debates on second reading as follows: Bills 60, 64, and down to the bottom of Page 5 in that sequence, Sir. Then over on Page 6, Bills, 73, 80, 82 and 86, and then we'll see where we are. I have some other business that could be called to complete the afternoon.

BILL 60 - THE HIGHWAY TRAFFIC ACT

MR. SPEAKER: On the proposed resolution of the Honourable Minister of Highways, Bill No. 60I
The Honourable Member for Pembina.

MR. D. ORCHARD: Mr. Speaker, I wish this matter to stand today, but anyone else in the Chamber wishes to speak to it, I have no objections.

MR. SPEAKER: The Honourable Member for La Verendrye.

MR. R. BANMAN: Thank you, Mr. Speaker. Bill No. 60, which has been debated in this House for a number of weeks now and, of course, is being debated even more strenuously out in the constituencies of all members that are involved in this Legislature, is one which I have indicated previously I will not be supporting for a number of reasons. I would like to, at this particular time, outline some of them.

Mr. Speaker, one of the interesting things that has happened with regard to this bill is something that I believe is a growing feeling, especially in my constituency, and that is the feeling that governments know best what people should be doing. In other words, it shouldn't be left up to the individuals, big government is going to tell you exactly what is best for you and what should be happening to you.

This, Mr. Speaker, is being evidenced in so many areas. I think this bill has highlighted that in a manner which many people feel is something that they can sink their teeth into; it's an issue they can understand and something where they can show some concern and some disenchantment with what governments are trying to do.

I say to members opposite, who I know are voting for this bill, because the First Minister has put the whip on and everybody is going to have to vote the way the Premier says they should vote now, but I have to say to members opposite that we have a number of these issues around where governments constantly are telling people that they know better. One of the areas that has received a lot of attention in the last little while, of course, is the metric conversion thing. We've got things such as capital punishment; the majority of people in Canada want capital punishment, however, Parliament won't pass it. We have a bill before us in seat belts which the majority of people, and I quote, in my own riding some 80 percent to 85 percent are opposed to, Mr. Chairman.

Let me say to members opposite, to highlight this, let me relate a conversation which I had with a constituent the other day. He indicated to me that he wears a seat belt all the time; he thinks it's a good idea, but he objects, Mr. Speaker, to having the government force him to wear that belt. And I say to members opposite that there comes a time when people who believe that governments should reflect their particular beliefs and their particular concerns, governments don't do that. What's happened then is that we do have things like metric, the lack of action on the capital punishment issue. All these things add up to a point now, where people have really taken this one issue - the seat belt issue in my area - one which, as I said before, they can relate to because it's going

to affect them and their families directly, but they have taken that and said, this is enough. How many other things is government going to say is good for us and I have to do?

I say to members opposite that is the type of opposition that we are faced with. Many of the people who are opposed to this bill in my riding wear seat belts, but they want that option left up to them and their families, and they don't want big government or big brother looking over their shoulders and saying, you must do it.

I say to members opposite, as the Member for Lakeside and many people have said, this is going to be a pretty hot issue. It might not be that hot right now when it's passing through the Chamber, but I tell the members opposite that after the six-month grace that you're going to give everybody to get used to this, and then when the Minister of Highways walks over to the Attorney-General and says, now get your patrolmen out there to start hammering this new law down on the people of Manitoba, when people start getting fined for not wearing seat belts, that is when the problems are going to start.

I made that same prediction, Mr. Speaker, when we introduced the payroll tax. When the payroll tax went through this House, we didn't really have that large a hue and cry from the public so the members opposite felt rather secure in the fact that, well, this wasn't really a big deal. But what they did, they made the mistake of allowing the three months to build up and then required all the small, little entrepreneurs who were employing one or two or five people to pay three months of the payroll tax all in one shot and - bang - that's when you had trouble. That's when the trouble's going to hit with this thing, is when the Minister of Highways walks over to the Attorney-General and says, now have your boys go after the guys.

That leads me to the second problem with this one and that, of course, is enforcement. We talked to people in Ontario, we talked to people in Saskatchewan and one of the biggest problems the law enforcement officers have with this particular thing is to enforce it. What really has happened in Ontario even though that the law, the statute is there, there is really no enforcement of it.

Mr. Speaker, I just got back; I drove a car all around Ontario. I just got back from a convention out there and I never wore my seat belt. I talked to people in Toronto and I talked to people in Ottawa, and they indicated that very very seldom now, unless there is some speeding problem or you've got a problem with your lights at night and that, do you get stopped and do the people really look after and enforce the seat belt law. It is very difficult to enforce and what has happened in other jurisdictions, the legislation is on the books and it's really not being enforced.

So I say to members opposite, why have a law on the books that really - the Minister of Highways didn't deny it the other day - really that is going to be very very hard to enforce and in other jurisdictions is proving out exactly what I said. It's very difficult to enforce and they just aren't enforcing it.

I also point out to members opposite that if safety is the concern, we do have a bit of a problem in Manitoba. We went through the Highways Estimates, and what happened? We saw the Minister of Highways,

instead of having additional funds allocated for safety, we had one safety inspection crew pulled off the highways or the inspection stations and now we've got less safety; we've cut the safety by 25 percent in the Highways budget. But on the other hand, members opposite are now talking about this being a measure which will really enhance safety. Again, you sort of have a funny feeling that they're not quite sure what direction they want to go with this particular thing.

The First Minister, when he was out in southeastern Manitoba, when asked by, I believe, a reporter and it was reported in the local paper, the Carillon News, that he considered a free vote on this particular issue, gutless. Well, Mr. Speaker, I think that what we have seen is a gutless move by the First Minister. He says that it is gutless to have a free vote on this issue. I suggest to the citizens of Manitoba, it's gutless not to have a free vote on this issue. After all, why should you force members of the Legislature and in particular members of the New Democratic Party, a number of whom aren't for this legislation, why should you force them to vote for this bill? I think that's a gutless approach. Let the First Minister go ahead and allow the people to have a free vote on this issue.

He's so concerned, as he indicated on the abortion issue, that one of the reasons they are taking the approach that they are on the abortion issue is that public opinion demanded it. I suggest to the First Minister, if public opinion demanded a certain stand on the abortion issue, it sure demands a certain stand on this one. If the First Minister calls it gutless to have a free vote, I want to indicate to him that my constituents and many people in the Province of Manitoba do not understand why the First Minister is forcing his backbench, as well as his Cabinet and colleagues to vote on party lines on this issue. He is forcing them to vote for this issue and not allowing the members on the government side to truly represent the concerns and feelings in their constituencies. I have to say to the First Minister, that is gutless; that is really gutless, because it doesn't really allow the true expression of what the people out there really want.

Mr. Speaker, as I mentioned earlier, the majority of people in my riding want to see this particular issue left up to each individual to decide whether he or she should really wear seat belts or not, and as I indicated earlier, there are a number of people that wear belts, that are appalled at government telling them to do so.

I want to point out a few things in the bill which have caused me some concern and which I have had questions on and maybe the Minister of Highways, when he's closing debate, can elaborate a little further and indicate to us what will happen.

First of all, one of the questions that has been raised by constituents is should the driver, who is now being held responsible according to the bill, for passengers in his car wearing seat belts, should a passenger not wear a seat belt and the driver receive a fine, will that driver also receive demerit points. In other words, since this is a bill which is a change to The Highway Traffic Act, will that particular individual, if the RCMP charge him or her for not having a seat belt on one of the passengers, will that person be subject to the regular demerit points which is in place right now, because that of course is a concern. If somebody is driving along and you have somebody that just doesn't want

to buckle up, that will mean that he or she will then be responsible for the demerit points, I think that would be highly unfair and is something that I would like the Minister of Highways to clarify for me.

Another aspect which is of concern and has been brought to my attention by the Motor Dealers Association is the one which produces an anomaly again as we have in the safe motor vehicles side of things - and I know the Minister of Highways has been lobbied on that a number of times - with regard to having private citizens also produce a safe motor vehicle sticker before the registration is done. I want to ask the Minister to maybe explain and would indicate to him that my colleague, the Member for Pembina, will probably be bringing in an amendment to this particular bill with regard to the one area, where it is only up to the motor dealers again or the manufacturers to make sure that there are seat belts in cars from 1968 and newer.

I would ask the Minister if it wouldn't be more proper if everybody that sold a car, if you're going to do it for one segment of the society, would he entertain an amendment to the bill which would mean that everybody who sells a car from '68 and newer would be governed by the same type of law that the bill just sort of narrowly puts on the manufacturer and the dealers? I say to the Minister that the Member for Pembina will more than likely be bringing in that amendment and I would hope that the Minister would see fit to look at that because it wouldn't produce the anomaly which has existed on the other side.

The Minister indicates the fact that the act was passed and no government, I guess, of both political stripes has had the intestinal fortitude to do it, but I bring that up now because I wouldn't want the same thing to happen here. If we pass this bill and don't make that one small change in it, you're going to widen the gap between that and I think now is the time when the new bill is going through, if it's going to go through, that we make that change. So I commend those points to the Minister and hope that the Member for Pembina would receive some support on that particular change.

The other questions, of course, which have cropped up with regard to this particular bill are of a more technical nature and people are wondering what will happen now with regard to passenger vans. Will people in vans who are travelling in passenger vans be required to buckle up? In light of the fact that school buses and children riding in school buses and bus drivers don't have to have belts on, will this same type of regulation or exemption apply to passenger vans?

I notice that there are a number of other categories which will be receiving exemptions and that, of course, is something which lends fuel to the fire for those people who really believe that if you're going to start exempting and allowing people, such as ambulance drivers and police officers and all these people, not to have seat belts on, then why in the world are you going to force all kinds of other people to do it without giving them the right to decide and to determine that themselves?

I won't, Mr. Speaker, go into a great length about some of the other areas of concern because they have been touched on by honourable members opposite, but I come back to my original point. If members opposite are not feeling the pulse of rural Manitoba and as well, I think, of a large segment of the urban population, that governments are becoming involved

in too many things. This one particular issue is one which everybody can relate to, is one which the majority of my constituents want to have the right to determine whether or not they want to wear the seat belt or not and I have to say to the First Minister who has called the Whips on, who is now forcing his caucus to vote on this bill, I think that is a particularly gutless move and I truly believe that if everybody was left to vote the way his or her constituency wanted them to vote, this bill would not see the light of day and would not be passed by this Legislature.

Thank you, Mr. Speaker.

MR. SPEAKER: The Honourable Member for Radisson.

MR. G. LECUYER: I move that debate be adjourned.

MR. SPEAKER: Order please. If no one else wishes to speak to this bill it will stand in the name of the Honourable Member for Pembina.

The Honourable Member for Burrows.

MR. C. SANTOS: Thank you, Mr. Speaker. I'd like to present a counter-argument to what the Member for La Verendrye had stated. He said that people should not be forced to wear seat belts against their personal choice. In other words, asking people to wear seat belts violates the personal freedom of the individual to do what he likes.

The answer to this, Mr. Speaker, is that no one individual in an organized society can do anything that he likes that affects other members of that society. My right to determine what I want to do ends where my action affects other individuals in the society or community where I belong. It is not true that we are not forced to do things in organized society. In fact, in every case if we look around us we always notice that everything we do is more or less coerced by the situation where we find ourselves.

For example, if I want to drive on the road, can I drive on the left side of the road if that is my choice? But because there are certain conventions and certain expectations and certain laws that I should drive on the right side of the road, I am forced, I am coerced to drive on the right side of the road in order that there may be order in our society because if everyone will follow his own desire and he drives in any way he likes, left or right, can you imagine the kind of traffic situation that we shall have in our city, in our community whether rural or urban? That is freedom of choice to drive any side of the road you like. There must be order in society and so we have decreed that in this country of ours, in North America, we shall drive on the right side of the road and yet in England, if you notice, they drive on the left side of the road, but they are consistent. So there must be rules in society and we have to subscribe to those rules if we have to have order in our daily conduct of our activities. — (Interjection) —

When we cross the streets at any point we like and not follow the pedestrian lane, we are always in trouble - either we are blocking the street or we are endangering our lives. So in a sense we are coerced to walk through the pedestrian lane and that is again to have some kind of order in our society. Without order there will be chaos, there will be anarchy, everybody doing his own little thing affecting his own fellow humankind.

Therefore in an organized society, what the great philosopher said, Jean Jacques Rousseau, is true - that man shall be forced to be free. Man can be forced to be free if it is for the good of society and for the good of the individual. I say, the seat belt legislation is one way by which we can be forced to be free, to be free from accidents, to be free from a lifetime of disability, to be free from a lifetime of being a social burden by being involved in an accident in our society.

The Member for La Verendrye also said why put on the law books certain things that are difficult to enforce. Have we not learned a long time ago when we tried to enforce the prohibition era, the temperance movement, when we tried to prohibit people from drinking alcoholic beverages? Is that not enough experience to tell us that it is sometimes difficult to put into the law books things that you cannot prevent people from doing anyway?

Then let me extend the logic. Why do you have to eat again when you will get hungry anyway? Why do you have to drink when you get thirsty anyway? Why do you have to take a bath when you will get dirty anyway?

It is only difficult of enforcement because we have not yet changed the attitude of people. We have to reach into the sentiments of people and let them understand the desirability of this particular course of action. Once we have succeeded in reaching the rational side of man, to tell them that this is the way to a better way of life and they are persuaded, then there will be no difficulty of enforcement. I have found that in North America, people are more law abiding than in other countries in the world. To this I say that as soon as we have properly explained the objective and purposes of the law and the evil that is sought to be prevented by the legislation, I say that the public in general will be more abiding than ever because they know that this legislative measure had been passed for their own good, for their own safety, for their own protection.

Law is the most effective form of social control, but social control shall be utilized only for the good of society and for the good of human beings. Thank you, Mr. Speaker.

MR. DEPUTY SPEAKER, P. EYLER: Are there any other members who wish to speak on this bill?

The Honourable Minister of Health.

HON. L. DESJARDINS: Mr. Speaker, I think the last speaker made a very good point. There is no doubt that there is a dilemma and I believe that all of us in the House face the same dilemma. You're talking about the freedom on one hand and then you're bringing in this kind of legislation. I've had this feeling. But if you look back and whenever you have doubt and we've had doubt or I certainly have had doubt. I've had doubt over the years, this has been brought in every caucus that I belonged to and some people on any caucus have been saying, well, I listen to yours I see what you . . . Anyway I've had people, some that favoured this kind of legislation and other that don't. I think that probably a good rule if you have doubt is you look at what is the best for the individual. How can I say, all right it's up to the individual, it's up to him if he wants to kill himself? Suicide is against the law to start with.

Suicide is against the law, I've never heard anybody say, well, repeal that, because it shouldn't be. And then you'll probably be asked to have compulsory immunization.

A MEMBER: Has anybody ever been charged?

SOME HONOURABLE MEMBERS: Oh, oh!

HON. L. DESJARDINS: Yes, yes, sure. Well, okay. I guess that's the answer, that they couldn't nail anybody so therefore it's not against the law. I think they can still lock you up if you try to commit suicide. You'll probably be asked also to accept to make it compulsory to have some kind of immunization and I haven't heard anybody talk against that; it's being done in other provinces. It might be to save an epidemic - it's the same thing. — (Interjection) — Why isn't it? I'm not talking about an epidemic, there's no epidemic now. There is in other provinces and we're looking at bringing in legislation that will make it compulsory to receive inoculation and it's the same comparison. I can't see a better one than that, because I heard the House Leader of the opposition say, why something to take care of yourself - I think it was him, maybe it's somebody else. But in other words, why should compulsory something that deals with himself to protect his own life?

I guess also the fact that the portfolio that I have probably has me biased on that, because I've been approached by the medical profession, by the nursing profession. I've been in the hospitals and I've seen what has happened, the accidents that they have there. It's not a laughing matter I can assure you of that, if you see the people being brought to the hospitals either a motorcycle or in a car accident that could have been prevented. I admit that it is a dilemma. It's something that goes against the grain at times when you're imposing something and you're taking away the freedom of the individual. But I think, as I said, that the member who just spoke made that point very clear. We have laws to protect ourselves, we have certain laws, traffic laws are a good example — (Interjection) — Why not? You're protecting somebody else, you're protecting yourself also, aren't you?

A MEMBER: No.

HON. L. DESJARDINS: You mean it's all right if you can guarantee that you're the only one that can get hurt, that would be all right? — (Interjection) — If you're the only one on the road you would need the same kind of regulation, there would be regulations — (Interjection) — Yes, and you still would have to obey the speed limit also. You would have to go along with the speed limit, if you're the only one.

Mr. Speaker, I think that they are making the point. They are saying if you were the only driver, you would need it. In other words, you need it so you have it and that's exactly what we're saying, we need this legislation. The proofs are there that you need legislation and therefore that is the main reason.

Another thing, you're talking about the cost. Who is paying for the cost also? Who is paying for medical cost of people that might be injured for life? You and

I. — (Interjection) — All right, I get the message. There is nothing I would like to see as much and I would vote for it, if you can guarantee any legislation that will make people lose weight, I would love it. I would love it. — (Interjection) — No, I won't be exempt on that at all.

There is nobody that hates wearing a seat belt more than I do, nobody, and I never wear a seat belt and I'll have to buckle up. I think if you're going to weigh the negative side and the positive side - and this is the only point that I really want to make - I admit that there's a dilemma but when you weigh the positive side and the negative side, I don't think there is any doubt that we're doing the right thing. If we could save a life or two - and we'll save many more than that - I think it's worth it. I think that you'll be very happy with this legislation when it's passed.

MR. DEPUTY SPEAKER: Are there any further members who wish to speak? Seeing none, the debate will stand adjourned in the name of the Member for Pembina.

BILL 64 - THE MARITAL PROPERTY ACT

MR. DEPUTY SPEAKER: Bill No. 64, on the proposed motion of the Honourable Attorney-General, standing in the name of the Member for St. Norbert.

MR. G. MERCIER: Mr. Deputy Speaker, in introducing this bill the Attorney-General indicated that the legislation appears to follow the Carr Report very clearly. He did however last August invite public submissions on the state of Family Law and perhaps when he is concluding debate on this bill he might indicate whether or not he received very many submissions, whether any of those submissions are reflected in this legislation or in any of the other Family Law legislation, Mr. Deputy Speaker, because if they did I would certainly be interested in reviewing copies of those submissions if the Attorney-General wished to make them available.

Mr. Deputy Speaker, in dealing with this bill in respect to The Marital Property Act, I note and I read it into the record from page 118 of the Carr Report where he states, "that The Marital Property Act in its present form provides a satisfactory basis for property-sharing," and then he goes on to make a number of recommendations with respect to what he sees as improvements in this legislation.

Mr. Deputy Speaker, the number of principles the Attorney-General referred to in his speaking notes and I believe he stated in his opening remarks, that the only substantial amendment contained in the bill provides for the inclusion of the jewellery as a sharable assets. I think there are some other significant amendments. That one, I believe follows a court decision in Manitoba and we have no dispute with that.

He went on in his speaking notes on the first page referring to the amendment to section 4(1)(b) to the effect, "that assets acquired in contemplation of marriage will be included in an accounting under the act regardless of the marital status of the purchaser at the time of the acquisition." As long as the asset was not acquired while that person was living with a former spouse - I note the decision that he cites in Judge Carr's report - but it does seem to me, Mr. Deputy

Speaker, that the existing Section 4(2) certainly was intended to cover this situation. I have a little difficulty following the decision that Judge Carr refers to because I think the existing Section 4(2) was intended to cover that situation, that whether or not a person was married at the time that any property acquired in contemplation of a marriage was to be included in equal sharing.

There is, Mr. Deputy Speaker, as we go through the bill, a significant amendment with respect to the right to accounting and equalization. In Judge Carr's report on Page 137 he does state, "that the majority of provinces require that the marriage be broken down before sharing begins." This amendment of course changes the existing legislation to allow a spouse at any time to make an application for an equal sharing and an accounting. That is a concept, Mr. Deputy Speaker, that I would think would be rarely used but perhaps there are situations existing where they certainly do arise, where some spouses simply do not tell their spouse as to what they own, what their income is. It would be in my mind and I think in the minds of all members of the Legislature, a very unusual situation, Mr. Deputy Speaker, but no doubt it exists. Hopefully this type of amendment would not inspire applications that would, by themselves, perhaps harm or destroy existing marriages. It will be interesting, Mr. Deputy Speaker, to hear the views of people interested in Family Law when they appear before the committee to speak to this particular section, as to whether or not they feel that such legislation is required.

There is also an amendment with respect to conduct. The heading is, "Conduct not a factor." The Attorney-General's press release has indicated that conduct was not to be a factor, as a result of these amendments; that is not true because the section does state that, "In exercising its discretion under this section, no court shall have regard to conduct on the part of a spouse unless that conduct amounts to dissipation or has otherwise been substantially detrimental to the financial standing of one or both spouses." So, Mr. Speaker, conduct will still be a factor in those circumstances, so the heading is not correct, and the statement that was included in a press release, I believe, is not correct.

We should examine that, Mr. Speaker. What does dissipation mean? Dissipation, under the existing act, means "the jeopardizing of the financial security of a household by the gross and irresponsible squandering of an asset." So that would be one area where conduct would be allowed to be considered. The other area would be where the conduct has been substantially detrimental to the financial standing of both spouses.

Mr. Speaker, it should be noted that Judge Carr stated - it's on Page 131 of his report - "To my knowledge, there has been only one case in Manitoba where the Court has used the existing Section 13 to vary equal sharing," and that was certainly the intention and was the principle enunciated in the legislation, Mr. Speaker, that where we had said, "it is advisable to provide for a presumption, in the event of the breakdown of the marriage, of equal sharing of the family and commercial assets of the parties to the marriage acquired by them during the marriage."

The presumption, Mr. Speaker, was to be for equal sharing, and the cases in the Courts have certainly followed that presumption where the vast majority, and if Judge Carr says he's only aware of one case where

the section is being used to vary equal, I think, Mr. Speaker, certainly what that does is confirm what was our stated intention at the time of passing The Marital Property Act, when there were fears and concerns raised by members of the opposition at that time, that what we were doing was unnecessarily including the concept of conduct into equal sharing between spouses on marriage breakdown, and that this would result in great harm, and unfairness, particularly to female spouses. That has certainly not proven to be the case.

I believe, Mr. Speaker, that no doubt there will be people before the committee who will argue, perhaps as a result of the way the existing act has been interpreted, that the concept of conduct, as a factor in varying equal sharing between spouses, should perhaps be strengthened, in view of the fact that in virtually all of the cases it is not considered.

I would say to the Attorney-General, Mr. Speaker, that with respect to the definition that he uses, that with all the vagaries of human conduct itself, that there no doubt have been, and will be in the future, situations and circumstances where conduct should be taken into consideration because it will only be fair and will only be equitable to the spouses to have it considered. I'm not sure, Mr. Speaker, that the wording that is used in this act will give the judges the discretion that may be required to make a fair and equitable determination in the future, because the dissipation, as it is defined in the act, refers only to the jeopardizing of the financial security of a household by the squandering of an asset; and the other part of conduct would be substantially detrimental to the financial standing of one or both spouses. It may very well be that there is conduct of such a kind that is not included within that definition that, perhaps, should be considered. So, Mr. Speaker, I, on this legislation, will be very interested in hearing the representations that are made to the committee that sits after second reading to hear public representations with respect to this particular matter.

Those concerns, Mr. Speaker, are basic concerns that I have with respect to the bill; the other matters appear to be satisfactory. We, I think, are prepared to have this bill passed on to committee. I understand, from the Attorney-General, that he hopes to have all of the Family Law matters referred to one of the smaller committees, a course of action which I would commend to him, and we will look forward to hearing, at that time, representations that will be made with respect to this bill.

MR. DEPUTY SPEAKER: The Honourable Attorney-General.

HON. R. PENNER: I will close debate, Mr. Speaker. Just very briefly, the Honourable Member for St. Norbert asked a question which I think I should answer now about the number of submissions received.

Approximately 20, from groups and individuals, and I'll be happy to provide him with that list. Indeed, what I would like to provide him with, and I'll undertake to do so - I apologize for not having done so earlier - is an analysis of the recommendations prepared by a member of my department, Ms. Diamond, with whom the Honourable Member for St. Norbert is familiar, who has worked in the Department on Family Law for some

time, and that will indicate to him where there was agreement and where there was disagreement. I think he'll find that in those cases where there was substantial disagreement, not a clear consensus, then the recommendation was not brought forward for legislation at this time; so that he will have available to him, prior to committee, that analysis, and I think he'll find it helpful in terms of some of the concerns that were raised, even though they may not be raised specifically in committee.

I'll just indicate, with respect to the last point canvassed by him concerning conduct. The whole question of sharing - not instant sharing, but sharing on dissolution, dissolution either by divorce or separation, is based on the notion that there is, in effect, and in fact, and therefore there ought to be in law, a partnership between the one spouse and the other, such that it is not possible, conceptually, on any real basis, to say that this should belong, in the event that the partnership is dissolved, to one, and that should belong to the other, except in certain very specific and carefully defined circumstances.

If that is so, then the question of conduct, other than dissipation, the kind of thing that one would look at if one were dissolving a partnership, and I realize that marriage is much more than a partnership, but this is one aspect of it. If one were dissolving a commercial partnership, one would look at the question of contribution in a financial sense but, also, one would look at the question of losses suffered by the partnership by the conduct of one of the parties amounting to dissipation.

I agree with the comment made by the Member for St. Norbert that the blanket statement that conduct will no longer be a factor is inaccurate. Indeed, conduct will be, but not conduct extraneous to, incidental to, or indeed not relevant to, the question of the assets under consideration. Just to point out here that, while it is true that the question of conduct, other than dissipation of assets, has only been a factor in one reported case, but what was pointed out by at least one of the submissions - I believe more than one - is that it is nevertheless, that is, the conduct of one or another of the spouses, the way they conduct themselves, their alleged moral weakness, or whatever it might be, is raised all too frequently in this context, and becomes an ugly feature of all too many court cases when, looking at the conceptual basis of sharing, it is not really a relevant matter. One family law practitioner said that the elimination of conduct as a factor will eliminate some ugly, if unsuccessful, defences, so it was that that led to the proposal that was commented on by the Member for St. Norbert.

So, in closing debate, I will be happy to provide the member a copy of the analysis of the submissions. I've given him approximate number of organizations and individuals who have made submissions, not all commenting on every provision, and I think that will lead to a constructive discussion in committee. Mr. Deputy Speaker, I've spoken to the Clerk, all the family law related bills - five or six that are on the Order Paper for debate today - will go to the Committee on Statutory Orders and Regulations. When we have all of the bills referred to that committee, we'll consult with the Opposition House Leader, the Member for St. Norbert, as to a suitable date and provide adequate notice to

interested groups to come and make representations on the whole gamut of family law legislation.

QUESTION put; MOTION carried.

BILL 65 - THE FAMILY MAINTENANCE ACT

MR. SPEAKER: Bill No. 65, on the proposed motion of the Honourable Attorney-General, standing in the name of the Member for St. Norbert.

MR. G. MERCIER: Mr. Speaker, in responding to this bill there are two or three, perhaps four, significant principles I would like to speak to.

The first would, again, amend the conduct section of The Family Maintenance Act and would strike out from Section 2(2) of the act, the words "but may, in determining the amount of the support and maintenance, have regard to a course of conduct that is so unconscionable as to constitute an obvious and gross repudiation of the marriage relationship." Judge Carr, in his report, points out that the courts rarely use this section, and those who dislike it suggest it's non-use is a good reason to abolish the section. Those who favour the section argue that the courts are not abusing their discretion, and accordingly the section should be preserved for those cases that truly justify the examination of conduct. He says, "I do not regard this section as being particularly controversial, but in at least one case it has been used to disentitle a person to maintenance." Then he simply makes his recommendation, and in his personal view, that conduct should not be a factor in assessing maintenance. As a result of that recommendation, the Attorney-General has brought forward this amendment which would strike out those words from Section 2(2) of the act.

I suppose, Mr. Deputy Speaker, if I had to put myself in one position, I would put myself in the position of those who favour this section argue that the courts are not abusing their discretion, and accordingly this section should be preserved for those cases that truly justify the examination of conduct. Certainly there is no justification, according to the cases that have been decided, to delete the section. There always will be, again, Mr. Deputy Speaker, those rare cases where, in order to allow the court to make a just and equitable decision in a case, should allow them the discretion to consider conduct; and the wording that we used certainly would make the case, as they have been decided, in a very small minority, but should allow them, "in determining the amount of the support and maintenance have regard to a course of conduct that is so unconscionable as to constitute an obvious and gross repudiation of the marriage relationship."

Mr. Speaker, again, I would put in that group that Judge Carr refers to as those favouring retention of that section. We are, however, prepared to hear the representations that are made, Mr. Speaker, but I suspect that may very well be a controversial amendment that has been proposed.

There is, Mr. Speaker, an amendment that follows, I believe, one of the recommendations of Judge Carr with respect to common-law marriages. At the present time, as I believe the Attorney-General indicated in his notes, where parties, two people live together as man

and wife and have a child, and they live together for a year, then there is a right to apply for maintenance. This section would have the effect of saying that where a man and woman live together for a period of not less than five years in a relationship in which one person has been substantially dependent upon the other for support, that they can then apply for maintenance and there will not have to be children of the marriage.

Mr. Speaker, I suppose there will be people who say that the law should not recognize a common-law situation and that the only reason for the existing law is that it is for the sake of protecting the children of such relationships.

There will be another group of people, Mr. Speaker, who will argue that it is only fair and equitable that where a man and woman have lived together for five years and the person has become dependent upon the other for support, that the other person should be entitled to maintenance.

Mr. Speaker, I think I would have to put myself in the latter group, that where that situation has occurred and one person has become substantially dependent upon the other for support, that that person should have the right to apply for maintenance otherwise obviously that person may very well have to be supported by social assistance from the government, or some other similar source of income and it would only seem to me to be a fair and equitable thing for that spouse to have the right to apply for maintenance, so I would put myself in that latter group, Mr. Speaker.

I note that the Attorney-General has provided for a five-year period. Judge Carr's report refers to New Brunswick where in that province spouses only have to live together for a three-year period and there has to be this relationship financial dependency - I take it the Attorney-General has been very sensitive to this particular issue and has decided in the first instance in introducing this type of proposal - that a relationship should have to exist for five years.

I suppose, Mr. Speaker, there is justification in imposing some time period, some time requirement, what the rationale is for five over three something the Attorney-General can perhaps deal with in committee. The important rationale I think is, that where a person has become financially dependent upon the other there should be a right to maintenance.

There is an amendment, Mr. Speaker, to Section 6 of the act. Section 6 of the act is, I think, a controversial section that we included whereby spouses who lived together had the right to request information respecting the financial affairs of the marriage, etc. There is in the amendment which would add Subsection (2) a penalty for non-disclosure up to \$5,000.00. I'd be interested in knowing from the Attorney-General what the justification is for adding that penalty and what the difficulties have been in enforcement with respect to the court order. It seems to me it would be again a very unusual situation where spouses apply to court while they're living together to get that kind of information but I can appreciate that there are circumstances where that kind of problem does exist - and the section may very well be used - but we would like to know at committee what the justification is for imposing that section or that penalty.

Close to the end of the bill, Mr. Speaker, is a section which would give parents who are denied custody of

a child the same right as a parent granted custody to receive school, medical, psychological, dental and other reports affecting a child. I would just make a suggestion to the Attorney-General the he may wish to consider, that rather than provide an outright or a right that he make those rights discretionary in the sense that the judge could grant those rights by order, there are situations that exist, Mr. Speaker, unfortunately where the courts find it necessary because of the parents' conduct with respect to the child, that a parent is denied access to a child. It would seem to me in that situation - and that would be very unusual situation, Mr. Speaker, but it does occur where that situation is justified - that for that parent to also have the right to receive this information might possibly be used in a manner that is further detrimental to the welfare of a child - and it just might be appropriate. I think it is at least worth examination to determine whether or not such rights should be subject to the order of a judge.

Again, Mr. Speaker, we look forward to hearing the comments from members of the public with respect to this proposed legislation.

QUESTION put, MOTION carried.

MR. SPEAKER, Hon. J. Walding: On the proposed motion of the Honourable Attorney-General, Bill No. 66, standing in the name of the Honourable Member for St. Norbert.

MR. G. MERCIER: Stand, Mr. Speaker.

BILL 68 - THE CHANGE OF NAME ACT

MR. SPEAKER: On the proposed motion of the Honourable Minister of Community Services, Bill No. 68, standing in the name of the Honourable Member for Emerson. Does the opposition require that bill stood, too?

The Honourable Member for Turtle Mountain.

MR. B. RANSOM: Well, Mr. Speaker, this bill has been reviewed and we're prepared to let it go to committee. This side is prepared to do so.

QUESTION put, MOTION carried.

MR. SPEAKER: On the proposed motion of the Honourable Minister of Community Services, Bill No. 69, standing in the name of the Honourable Member for Emerson. (Stand)

BILL 70 - THE VITAL STATISTICS ACT

MR. SPEAKER: On the proposed motion of the Honourable Minister of Community Services, Bill No. 70, standing in the name of the Honourable Member for Niakwa.

The Honourable Member for Turtle Mountain.

MR. B. RANSOM: Mr. Speaker, the Member for Niakwa adjourned this bill on my behalf and we've reviewed it and we're prepared to let it go to committee.

QUESTION put, MOTION carried.

BILL 73 - THE SCHOOL CAPITAL FINANCING AUTHORITY ACT

MR. SPEAKER: On the proposed motion of the Honourable Minister of Finance, Bill No. 73, standing in the name of the Honourable Member for Niakwa.

MR. A. KOVNATS: Mr. Speaker, I adjourned this bill on behalf of my colleague, the Honourable Member for Tuxedo.

MR. SPEAKER: The Honourable Member for Tuxedo.

MR. G. FILMON: Thank you, Mr. Speaker. In reviewing the contents of Bill No. 73, An Act to repeal The School Capital Financing Authority Act, as the Minister of Finance said in introducing this particular legislation, the bill was enacted in 1966 at a time when there were a number of reasons why such an authority was required. The one which the Minister highlighted was the need to assist school boards, many of which had difficulties in selling their bonds to the public market, and this authority of course enabled the government to purchase the bonds that were being issued by the school boards for the purpose of financing capital projects under the Public Schools Finance Board.

As well of course in those days, Mr. Speaker, there was the concept of the separation of direct and guaranteed debt. There were summaries done on a national basis of direct and guaranteed debt and this enabled the government to be involved, in a sense, in guaranteed debt for these capital projects, as opposed to having it included in the direct debt. Since we have, for a number of years, been lumping together direct and guaranteed debt in referring to the debt of the province, in following the recommendations of the Provincial Auditor and following the recommendations of financial authorities this is no longer a factor.

Of course the school capital financing authority allowed for the repayment in full by the Public Schools Finance Board of the debt which it undertook, payment in full plus - as I understand it a slightly larger upcharge on the repayments - so that there was always an extra amount for administration. That built up a surplus in this fund, as I understand it, and the Minister can perhaps explain more as we get into committee, this surplus which as at March 31, 1982, amounted to \$8,792,343, will be put directly into the Sinking Fund and will therefore continue to be there and work towards the repayment of the province's capital debt.

So having reviewed all of this, Mr. Speaker, we are prepared to have the bill proceed to committee and seek any comments and answers to specific clause-by-clause considerations at that time.

QUESTION put, MOTION carried.

BILL NO. 80 - THE CIVIL SERVICE SUPERANNUATION ACT

MR. SPEAKER: On the proposed motion of the Honourable Minister of Labour, Bill No. 80, standing in the name of the Honourable Member for Turtle Mountain.

MR. B. RANSOM: Mr. Speaker, we have reviewed this bill and are prepared to let it go to committee.

QUESTION put, MOTION carried.

BILL NO. 82 - THE JURY ACT

MR. SPEAKER: On the proposed motion of the Honourable Attorney-General, Bill No. 82, standing in the name of the Honourable Member for St. Norbert.

MR. G. MERCIER: Mr. Speaker, we're prepared to allow this bill to go to committee.

QUESTION put, MOTION carried.

BILL NO. 86 - THE CIVIL SERVICE SPECIAL SUPPLEMENTARY SEVERANCE BENEFIT ACT

MR. SPEAKER: On the proposed motion of the Honourable Minister of Labour, Bill No. 86, standing in the name of the Honourable Member for Turtle Mountain.

MR. B. RANSOM: Mr. Speaker, I adjourned this bill on behalf of my colleague, the Member for St. Norbert.

MR. SPEAKER: The Honourable Member for St. Norbert.

MR. G. MERCIER: Yes, Mr. Speaker, there are certainly some concerns and some questions we will have for the Minister of Labour with respect to this bill, in committee, with respect to the numbers of persons who have taken advantage of this legislation; how many have been replaced and generally at what comparable classifications to the persons who have taken early retirement, what the cost is to the government in terms of this piece of legislation; and concerns with respect to the manner in which the senior people in senior administrative positions in the government have been appointed to those positions; because as we dealt with the Civil Service Commission and the Minister responsible for the Civil Service Commission and the method of selection used by the government for the appointment of senior administrative people, Mr. Speaker - and that was a few months ago - we became very concerned about the manner in which appointments are being made when they are done by a committee composed of the Clerk to the Executive Council - a clear political appointment of the government - when an additional person on the committee is a politically appointed Deputy Minister of the government, like the Deputy Minister of Northern Affairs or the Deputy Minister of Labour or others, and it is those committees who are making appointments to the senior positions within the government, Mr. Speaker, committees which are clearly very politically orientated themselves and have in a number of positions that have come to our attention made very political appointments themselves to other positions underneath them, Mr. Speaker.

We've become very concerned about the Civil Service, Mr. Speaker, when we see the manner in which the Minister responsible for the Workers Compensation

Board has allowed that board which he appointed to run roughshod over the rights of senior members of the Civil Service of Manitoba who have been dismissed from service, with 25 to 30 years of public service in Manitoba and where the Workers Compensation Board has been forced to pay damages for wrongful dismissal and severance pay. We know about two or three of those instances. The Minister, the other day, last Thursday or Friday said in response to one of my questions, that he hadn't been able to yet provide us with the lists of hirings and firings and forced retirements of the Workers Compensation Board because it was such an extensive list. Hopefully, Mr. Speaker, that list will be provided to us very shortly so that we will have an opportunity at this Session of the Legislature to examine it and to ask more questions about it.

It's that type of behaviour, Mr. Speaker, the appointment of very political people in the position of Deputy Ministers, the adoption of a method of selecting people to serve in senior administrative positions by those very political people they appointed to those positions and by the conduct of the Workers Compensation Board, as one example, that leads us to believe that when the government introduces a Special Supplementary Severance Benefit Act to allow or to encourage senior people within the Civil Service in Manitoba to take early retirement, that the method that this government is going to use to fill those positions is going to be a very partisan political one, Mr. Speaker, because all of the evidence indicates that's the way they have behaved up to this point in time. No doubt that is the way they're probably behaving now. We are very concerned, Mr. Speaker, that the merit principle in the Civil Service is going to be seriously damaged and is already seriously damaged by the manner in which this government has operated, and that this bill will be a method by which this government will use its partisan people to make further partisan appointments in the senior administration of the Civil Service in Manitoba. That, Mr. Speaker, is unfair to all of the career-minded civil servants who apply for those positions. It's unfair to the citizens of Manitoba who are entitled to expect that civil servants in this province are appointed on the basis of ability and not on the basis of support of a political party.

So, Mr. Speaker, those are some of the concerns that we have, not so much with the terms of the bill, but with the manner in which this government is going to implement this bill by using its partisans to make further partisan appointments in the Civil Service in Manitoba.

Mr. Speaker, we will have a number of questions for the Minister. We hope that she can provide us - and I give her advance notice because she is in the House now - at committee with a listing of the numbers and positions of people who have taken up this offer, because I think the expiry date is June 30th. We would like to know how many of those positions are going to be replaced or filled. There was some suggestion that some of them may not have to be. I would like to know how many of them are going to be filled. We would like to know the methods that are being used to fill those positions and in cases where they have been filled, we would like to have the information as to who filled those positions, Mr. Speaker, because quite simply on the basis of the performance of the

government to date, we simply can't trust them to make appointments on the sole base of merit in the Civil Service.

QUESTION put, MOTION carried.

SECOND READING

MR. SPEAKER: The Honourable Government House Leader.

HON. R. PENNER: Yes, Mr. Speaker, will you please call the second reading of Bill No. 88 on Page 7?

BILL NO. 88 - THE WORKERS COMPENSATION ACT

HON. J. COWAN presented Bill No. 88, An Act to amend The Workers Compensation Act, for second reading.

MOTION presented.

MR. SPEAKER: The Honourable Minister.

HON. J. COWAN: Thank you, Mr. Speaker. The amendments to the Workers Compensation Act which are being introduced for second reading today are designed to fulfill three specific objectives.

Firstly, they will provide a mechanism to allow Workers Compensation claimants, for the first time, to be able to directly obtain their medical files from the Workers Compensation Board files. Of course, you will quickly realize that this provision for access to medical files has been a request before previous governments regardless of their political stripe for many years. I am pleased that this government, through consultation with affected parties including representatives of Workers Compensation claimants and the College of Physicians and Surgeons, has been able to design a system which we believe allows for appropriate access to records and addresses at the same time the long-standing concerns of the medical community. I'll be describing this process in more detail later in my remarks today.

Secondly, the amendments allow for an increase in Workers Compensation pensions that will reflect increases in the cost of living since the last pension increases were brought forward in 1981. It has been a general practice for such increases in the pension amounts to be brought forward every second year and that is why you have them before you today by way of this legislation.

While this, indeed, has been a customary procedure, and this government is following it, in this instance, we are not convinced that there might not be better ways to provide for these increases, and I will be addressing that issue, as well, in more detail.

It must also be noted that, in regard to increases in pensions, we are recommending a major change in the way by which things have been done in the past, by the inclusion of those pensions of less than 10 percent disability as part of these cost-of-living increases.

Thirdly, these amendments include a number of technical points which have been included to make the act more responsive to specific situations. These

changes are not considered to be of a major policy nature and will be outlined in brief detail.

Before addressing that detail, I believe it's necessary and important to put these amendments in the proper context. They are neither a beginning nor an end. While that is usually the case in any legislation, it is ever more so a reality with the amendments you have before you.

As everyone is acutely aware the Workers Compensation Board and system have been the subject of considerable debate and discussion over the past number of years. Government, in a number of ways, has attempted to resolve these difficulties but, clearly, they have not accomplished all that they have sought to attain.

Some brief history is necessary in this regard. Several years ago the previous administration was confronted with a number of complaints and concerns about the way the system was operating. Their response was to form the Lampe Commission, which was mandated to review some parts of the system. That report was received by government; a number of administrative changes of a technical nature were made in response to the recommendations; however, I would suggest to you - and it is an opinion shared by many - that the substance of the Lampe Committee Report was not dealt with by that government at that time, in either a comprehensive or complete manner. That failure to effectively address problems, which were acknowledged to be a part of the system, could only result in more frustration and anxiety about the way the system worked. That is exactly what happened over a period of time.

The situation deteriorated to the point where the previous administration felt it was necessary to initiate a judicial inquiry to consider certain allegations that were made against the system. That inquiry was just beginning to get under way when the government changed hands in 1981. This administration, concerned about the length of time that judicial inquiries have traditionally taken, and acutely aware of the need for immediate changes to the procedures and policies, conducted an internal review which was more focused, and for that, and other reasons, provided quicker results and recommendations.

As a result of that review and those recommendations, and the earlier work of the Lampe Commission, several changes have been made in regard to both policies and procedures at the Workers Compensation Board. These changes include the appointment of a new Board of Commissioners that is composed of three full-time Commissioners. They, indeed, bring to that office varied experiences with labour and management in the professional community. That new Board of Commissioners is also currently developing policy and criteria in a public and consultative way; they are also making public minutes of their hearings and meetings. You will recall that Dr. Lampe, in his report, commented on the previous practices and how it was sometimes difficult to obtain information from the board. He recommended that a more public process be followed; this is now being done.

As well, a Workers Advisory Program was instituted throughout the province with offices in Winnipeg, Brandon, the Flin Flon and The Pas area, and Thompson. It must be noted that this was one of the

recommendations of the Lampe Commission, as well. These changes also included a general and ongoing review of management practices and procedures at the Workers Compensation Board and its offices.

As well, we appointed an Advisory Committee to review rehabilitation practices and procedures. Periodic reviews of the Workers Compensation system was also a major recommendation of the Lampe Commission. It is anticipated that this particular review will be completed in the late summer or early fall of this year, and its recommendations will be made public.

Dr. Lampe, and his commission, also recommended the establishment of satellite facilities outside of the Compensation Building for the purpose of holding medical review panels and hearings. This, too, has recently been put in place.

So, there are many major changes that have been made previous to this legislation being brought forward. At the same time, there is much that remains to be done. In essence, there is a need for a complete review of The Workers Compensation Act. I am pleased to inform you that once the government has received and reviewed the report and recommendations of the existing Section 100, Advisory Committee, we will be striking a review committee to undertake an analysis of the rest of the existing legislation.

This committee will be instructed to conduct public hearings on the total act, review systems in other jurisdictions, undertake appropriate research, and make a public report with recommendations. It is expected that this report will be available in enough time to allow for any legislative changes to be brought forward at the time the next increases in pensions would normally be due; that is, in two-years time.

Earlier I stated that, as a government, we were not certain that the present method of bringing forth increases to pensions was the best way to meet our objectives. Since this system was developed and put forward, by way of legislation in 1972, there has been considerable criticism about the method being used. As a matter of fact, if one reviews the speeches, as I have, that have been made during the debate on this system over the years, it soon becomes clear that there is continuing confusion about this process.

There has also been a number of suggestions regarding how the system might be improved. These have ranged from implementing yearly legislated increases, to designing and implementing an automatic cost-of-living mechanism. All of these need further review and public comment. The committee, which I have just announced will be struck, will provide that opportunity. It will also allow for the public, labour and management to review existing policies and programs in the context of today's circumstances. I would suggest to you that such a complete and comprehensive review is long overdue.

In the meantime, there are two specific areas that require a more immediate resolution. One such matter is that of access of a claimant to his/her medical reports on file at the Workers Compensation Board. This long-standing request has been brought to the attention of at least two governments, and at least four Ministers. Throughout all that time, and countless representations on the issue, that access has continuously been denied.

To be perfectly honest, I would have liked to have been able to bring forth these amendments on access

last year when we had The Workers Compensation Act open for a number of other changes. At that time, we consulted with the medical profession and soon learned that they had serious reservations about complete and total access to medical reports being legislatively mandated on a retroactive basis.

While they had little objection to providing access to those medical reports which were filed after physicians had been advised that access was permitted, they indeed were concerned about reports that had been provided in the past, on the assumption that they would be confidential and any access to them would be restricted. They felt that these reports had been provided to the board with the full knowledge of the physician; that they were to be confidential, and they suggested that that obligation should be honoured.

Of course, that type of situation would be completely untenable because of its inequity. Basically, what it would mean is that claimants, after a certain date, would have access to their medical reports; and claimants, previous to that date, would be denied that access. In light of their objections in this inequity, it was decided to review the situation in order to determine a more suitable arrangement.

After discussions with the College of Physicians and Surgeons, I believe, we can commend just such a system to you at this time. Under these amendments, as proposed, any worker, after the date of the proclamation of this act, will have full access to any medical records received by the Workers Compensation Board in regard to their claim. Physicians and other medical personnel within the province will be made aware of these new provisions over the next number of months.

In respect to reports filed previous to that date, a claimant will be able to receive access to that report by obtaining a release form for that report from the doctor who forwarded the report to the Board.

In the event that the doctor is unable to provide that release, or were to refuse to provide that release, that refusal could be referred to a committee that will have the power to cause the entire report or certain parts of that report to be released to the claimant. The College of Physicians and Surgeons have already tentatively agreed to have their Complaints Committee act as that referral committee for the purposes of receiving appeals in this regard.

For those of you who are familiar with the Complaints Committee, you will acknowledge that it is a general body which receives and reviews complaints against physicians as a matter of course. The College has agreed to a trial period of one year, during which time this system would be tested for its practicality. I wish to go on record at this time to thank them for their willingness to resolve this long-standing and complex problem in such an amicable and amenable fashion.

Other similar situations will be designed to deal with reports from other medical practitioners. I believe that with their help and the help of many other organizations that have consistently served injured workers in the province, we have hit upon a workable solution. While it is not the perfect solution and it still must be tested against practicality, I hope you will agree that it is a major step towards full access to medical reports for Workers Compensation Board claimants. It must also be noted at this time that we are one of the few

jurisdictions that have been able to bring forward such legislation without first having been ordered to do so by the courts.

As I alluded to earlier in my speech, Workers Compensation pensions will be adjusted to reflect increases in the consumer price index from July 1, 1979 to June 30, 1981. This will have the effect of increasing pensions in respect to accidents in 1979 and earlier by 24.2 percent, and pensions in respect to accidents in 1980 by 12.8 percent.

In keeping with past practices, this bill provides for the following benefit increases as well. In respect to fatal accidents prior to 1974, the monthly allowance payable to widows and wholly dependent mothers will be increased from \$475 to \$590.00. The monthly allowance in respect to a child under the age of 16 will be increased from \$107 to \$133.00. The monthly allowance payable for children under 16 years and older who are continuing their education will be increased from \$119 to \$148.00. The monthly allowance payable to an orphaned child under the age of 16 will be increased from \$119 to \$148.00. The monthly allowance payable where that orphaned child is 16 years or over and continuing their education, will increase from \$131 to \$163.00.

As well, the monthly allowance for dependents other than those previously referred to, will be increased from \$30 to \$119 for one dependent, and for more than one dependent from \$60 to \$238.00. This bill will also provide for the application of the consumer price increases to the minimum compensation payable to volunteer fire fighters, to volunteer ambulance workers and permanent total disability cases. This will result in an increase from \$475 to \$590 per month. Provision has also been made to increase the initial sum payable to a widow in respect to a fatal accident and this will result in an increase from \$1,050 to \$1,305.00.

Those are the major issues included in these amendments. However, as I indicated earlier in my remarks, there are a number of more technical changes included in this package as well.

The first one of these extends the Workers Compensation protection afforded to volunteer fire fighters under the act. It is recommended that their period of work for the purposes of compensation claims be extended to include that time that they are in transit to and from a fire to which they have been called.

The second change is an increase in burial fees paid by compensation. The maximum allowable amount for these fees has been increased to a total of \$1,500.00. At present they are \$350.00. This increase for burial claims will bring the fees paid by the Workers Compensation Board in line with similar fees paid by the Manitoba Public Insurance Corporation.

The third change in this bill will also remove the requirements that a worker must report his or her accident to their employer within 30 days of the time of that accident and simply insist that it be done as soon as possible. This has been administrative procedure at the board for some time.

So as you can see, the package of amendments that you have before you are really a part of a continuance of major reforms which have been made and will continue to be made in regard to Workers Compensation in Manitoba. Many of these reforms are long overdue. This government is committed to making

this system more responsive to the needs of both employers and employees.

We know that major reforms such as these take time. We know that if they are to be truly effective, we must involve the parties that are going to be most affected by any such reforms and changes. This includes employers and employees, technical and professional groups such as the medical profession and others, and most importantly, the general public.

This legislation provides for some necessary changes at this time. The plan which I have outlined to you regarding the total and complete review of the act provides for that process to unfold in a reasonable and rational manner. The task is one to which we look forward, primarily because it is so long overdue, so needed, and so important to the injured workers of this province. It is for those reasons, Sir, that I commend this legislation to you.

MR. SPEAKER: The Honourable Member for St. Norbert.

MR. G. MERCIER: Mr. Speaker, I move, seconded by the Member for Turtle Mountain, that debate be adjourned.

MOTION presented and carried.

MR. SPEAKER: If it's the will of the House to call it 4:30, we can move to Private Members' Hour.

PRIVATE MEMBERS' HOUR

SECOND READING - PUBLIC BILLS

MR. SPEAKER: First item for Private Members' Hour on a Tuesday, introduction for second readings of public bills, Bill No. 58.

BILL NO. 58 - THE OCCUPATIONAL THERAPISTS ACT

MR. P. EYLER presented Bill No. 58, The Occupational Therapists Act; Loi sur les ergothérapeutes, for second reading.

MOTION presented.

MR. SPEAKER: The Honourable Member for River East.

MR. P. EYLER: Thank you, Mr. Speaker. The Occupational Therapists Act is the first of two bills in the professional field in the health area which will be coming to the Legislature this Session. I'd like to deal with it in terms of the guidelines which have been set up regarding professional bills. As most members probably know, Saul Cherniack was in charge of a committee from 1969-77 which looked into methods of governing the various occupations and professional groups in Manitoba and this committee looked into two basic options.

The first was setting up a professional board which would license all the professions and this was rejected primarily because it would involve a large central bureaucracy.

The second option which it eventually adopted was to set up uniform guidelines which would be applied to all of the professions which looked for professional bills in the Legislature.

The guidelines which were finally established and agreed on basically covered eight areas: First a clear definition of the profession, in this case the health profession. In the definition, the parameters of the discipline were to be clearly defined.

The second guideline was the separation of licensing and disciplinary procedures from the business and economic aims of the discipline.

The third guideline was to set up by-laws which were to be a responsibility of the board of the discipline.

The fourth guideline was regulations governing the standards of practice and education which were to be approved by the Lieutenant-Governor-in-Council.

Fifth, the Board of Directors was to have lay representation.

Sixth, the disciplinary procedures were to be uniform including the establishment of a complaints committee, an investigative officer and discipline committees. At any point in the investigation of a complaint, the individual had the right to appeal the Court of Queen's Bench.

Seventh, where necessary or requested by the discipline, the Advisory Council to be established was charged with recommending the standards of education and practice subject to Ministerial control as to new schools and new curriculum development, all of which are subject to approval by the Lieutenant-Governor-in-Council.

Eighth, in the case of health disciplines with a university-based educational standard, there was no need for the Minister to have veto powers over the educational standards. The senate at the university is the authority which sets the standards for the university courses.

These were the guidelines which were set up and governed the passage of professional bills in the Legislature following the adoption of these guidelines. In the 1979-80 Session the Manitoba Association of Registered Nurses, the Licenced Practical Nurses and the Registered Practical Nurses were given professional bills by the Legislature. In 1981 professional Acts included The Medical Act, The Pharmaceutical Act, The Physiotherapy Act and The Dietitians Act. There were no professional bills in the health care field in 1982, but this year there are two bills which are coming forward, this one and The Optometrists Act.

The Occupational Therapists Act was first passed in 1971 and what this particular bill, Bill No. 58 is applied to is to bring The Occupational Therapists Act into line with the guidelines which have been established. In particular what the occupational therapists are asking for is, first of all, a broadening of the definition of occupational therapy which reflects current practice. The new definition provides for consultation by the therapist with the patient's physician. This has been approved by the College of Physicians and Surgeons. It's not exactly what was originally envisaged in The Occupational Therapists Act where the occupational therapist worked under the direct supervision of physicians, but this reflects the current practice and represents what's going on a lot more accurately than the original Act.

Another provision is to provide for lay representation on the Board of Directors, which is provided for in the guidelines. There is provision for the establishment of by-laws which is the responsibility of the association again in line with the guidelines. There is provision for the educational standards and the standards of practice to be governed by regulations which must be approved by the Lieutenant-Governor-in-Council. This again falls in line with the guidelines. There is also inclusion of an advisory council with government representation. This will recommend on all matters affecting the education of occupational therapists.

Also there is provision that only those persons registered under the Act be employed as occupational therapists and primarily the onus is placed on the employer to enforce this provision.

This Act also meets with the approval of the Manitoba Health Organization. It's got the approval of the College of Physicians and Surgeons. I understand that the occupational therapists have also approached the members of the opposition for their approval on this bill. I believe they're anticipating a speedy passage in second reading and hopefully this will get to committee in the near future.

MR. SPEAKER: The Honourable Member for Rhineland.

MR. A. BROWN: Mr. Speaker, I move, seconded by the Member for La Verendrye, that debate be adjourned.

MOTION presented and carried.

MR. SPEAKER: On the proposed motion of the Honourable Member for St. Norbert, Bill No. 41, standing in the name of the Honourable Member for Concordia. (Stand)

RES. NO. 5 - FARM FUEL TAX

MR. SPEAKER: On the matter of proposed resolutions. Resolution No. 5 - the Honourable Member for Pembina has four minutes remaining.

MR. D. ORCHARD: Thank you, Mr. Speaker.

In the four minutes that I have left on this resolution - I may not even take them all - I want to express a great deal of disappointment on behalf of the farm community that have been watching for two years, the attempt by myself and my colleagues to draw to the attention of the New Democratic Party in this province as well to the Federal Government, the plight that Federal Government energy taxation is placing the farm community.

I might add that that effort is not solely emanating from this province, it is coming from other provinces, prairie provinces and their Legislatures. It is indeed coming from the official opposition in Ottawa, the Progressive Conservative official opposition in Ottawa. Once again for the second year in a row, Mr. Speaker, we have had the New Democratic Party and the government of this province amend this resolution to remove from it the intent, the meaning and the benefit of that resolution. It shows their lack of understanding of the problem in the farm community; it shows just

how badly out of touch they are with the economics of farm production in the Province of Manitoba and indeed on the prairies; and it shows truly how little they care about the farm community in rural Manitoba.

It's not an unusual thing to expect from a caucus that is dominated by urban members and members from Northern Manitoba with no interest in the farm community whatsoever. — (Interjection) — It demonstrates clearly just how urban and northern-oriented this government is, how little they appreciate and understand the problems facing the farm community and it is with a great deal of reluctance that we see once again this government amending this resolution and taking away its true benefit and the true intent of this resolution in resolving a major problem in the farm community of excessive costs of petroleum products and petroleum-based products used by necessity in agricultural production in the Province of Manitoba. This lack of understanding by the N.D. Party in this government will become evident at election time next time around where they receive even less support in rural Manitoba than they did last time.

It will be because of their failure to understand and agree with resolutions brought forward by the Progressive Conservative opposition representing rural Manitoba. It is with a great deal of regret that we will see this resolution passed now in a watered-down, meaningless and an amended form. It will not accomplish what we on this side of the House had hoped it would accomplish in delivering a strong message to Ottawa that they should drop some of their onerous taxation policies that are causing very much financial hardship in the rural community and is with regret that we have this resolution once again amended by the New Democratic Party, through ignorance and lack of understanding of the farm community.

Thank you, Mr. Speaker.

QUESTION put, MOTION carried.

RES. NO. 16 - 500TH ANNIVERSARY OF MARTIN LUTHER'S BIRTH

MR. SPEAKER: The Honourable Member for Assiniboia.

MR. R. NORDMAN: Yes, I want to speak on it, Mr. Speaker.

MR. SPEAKER: We'll have it introduced to the House first.

Resolution No. 16 - the Honourable Member for Thompson.

MR. S. ASHTON: The Honourable Member for Elmwood is unable to introduce the resolution today.

RES. NO. 17 - RACIAL INTOLERANCE IN CANADA

MR. SPEAKER: Resolution No. 17 - the Honourable Member for Thompson.

MR. S. ASHTON: Mr. Speaker, I move, seconded by the Member for The Pas:

WHEREAS recently released federal studies have indicated that racial intolerance is a continuing problem in Canada; and

WHEREAS these studies indicated that this problem appears to be growing; and

WHEREAS the study cited recent incidents of bombings, violence and vandalism as evidence of this fact; and

WHEREAS this problem was further confirmed by the fact that it was recently revealed that a teacher in Alberta had been teaching racist propaganda to his students for 14 years; and

WHEREAS it was recently revealed that racist material has been mailed to educational institutions in Manitoba; and

WHEREAS these actions are of concern to the vast majority of Manitobans who pride themselves on having a society that encourages tolerance and understanding;

THEREFORE BE IT RESOLVED that this Assembly condemns racism, bigotry and intolerance in all its forms;

BE IT FURTHER RESOLVED that this Assembly indicates its support, in principle, for expanded programs of private and public education to foster tolerance and understanding between all Canadians.

MOTION presented.

MR. SPEAKER: The Honourable Member for Thompson.

MR. S. ASHTON: Thank you, Mr. Speaker.

In moving today's resolution, I would like, first of all, to address my comments to those who perhaps assume that this is not a problem in Canada today. I know we, as Canadians, pride ourselves on having a tolerant society, by and large, and it's sometimes difficult to accept the fact that there are those in our society who aren't as tolerant as we would hope; but I think, in looking at a number of recent incidents, it is apparent that there is a certain segment of society which is anything but tolerant and particularly in the area of racial tolerance, Mr. Speaker.

In regard to that recent evidence, I would point to a number of particular items. First of all, the numbers of reports of vandalism, of bombings even, of physical violence which has been based on racial grounds, Mr. Speaker, in various parts of the country, I think, developments which are of very great concern to most of us. I would also point, Mr. Speaker, to the recent series of federal reports on racism which were released which did indicate, as I outlined in the resolution, that there appears to be a significant problem, particularly in some areas in regard to racism in Canada.

I refer also, Mr. Speaker, to the recent incident in Alberta where anti-Semitic propaganda was being distributed by a teacher, an incident which was followed up in Manitoba by revelations that similar material had been mailed to educational institutions right in our own province.

Mr. Speaker, there will be some who will say, as to the observation by the report, that there is some question as to whether that problem is growing, but I think if we look at it, whether one feels that that problem is growing or not, that there is a problem.

Today I would like to delve into that problem, Mr. Speaker, and also one suggested solution that I have which I've outlined in the resolution. I realize it's a difficult problem for a lot of people to address but I think we have to do it, as a first step to overcoming it.

I've raised this issue, Mr. Speaker, because it concerns me personally. I watched these developments often with a certain amount of distaste and, in some cases, just absolute disbelief that these things could be happening in our own country; but in raising this issue, I'm doing it for more than personal reasons. I am trying, in the resolution and the debate today, to express the concern that has been put forward to me by constituents and other people in Manitoba, in regard to the fact that these things have been going on and they feel that someone has to speak up about them.

One example of that, Mr. Speaker, was a constituent in Thompson, and I hope members will bear with me as I outline her own story and I think they will realize just how important that story is to why she is concerned about the incidents that I've outlined in the resolution.

Some weeks ago, Mr. Speaker, I received a call from this constituent, Maria Knotts, and I'd met her before but it was not until we started to discuss this particular matter that I really got to know her. She called to express her concern about the Alberta incident. She indicated a number of particular concerns about that; first of all, that a great amount of publicity had been given to the twisted views of the individual, one Mr. Keegstra, in Alberta, views which she considered nothing short of absolute lies and beyond that, Mr. Speaker, she was concerned about the slowness of response, in some cases, the complete lack of response from public officials, not only to the incident involving that individual but also to the support lent to this views by a number of public officials in Alberta, including one MLA and a number of political officials in the party to which Mr. Keegstra is a member.

She went beyond that, Mr. Speaker, and expressed particular concern about the impact of that propaganda on the minds of the students that particular individual taught for 14 years. She went further to really express concern about the parallels she could see between that incident, the use of blatant, racist propaganda, on what happened in the 1930s with Adolph Hitler's rise to power in Germany and the subsequent horrors that he imposed on all of Europe, and for that matter, all of the world, and it was after she expressed this concern that she explained just why it was of such particular concern to herself individually. She explained to me, Mr. Speaker, that she had known the horrors of the Nazis directly. She was a survivor of the Buchenwald concentration camp and she couldn't believe, Mr. Speaker, that anyone in their right mind could deny the historical fact, in her case the very real fact, that millions of people had been murdered by the Nazis in the concentration camps in the Second World War.

I met later with this constituent, Mr. Speaker, to discuss some of these things further because, as someone who was born after the Second World War who has not known directly the horrors of the concentration camps of the rise of the Nazis in the 1930s and the 1940s, I really wanted to learn more from her about what had actually happened in her own personal experience. She indicated to me, Mr. Speaker,

that it had taken her as many as 20 years before she could actually tell people what had happened, so great were the horrors to her, so great was the impact on her personally. It took her 20 years before she could tell people exactly what had happened. But she felt, Mr. Speaker, after this 20-year period that she had to tell someone in the hopes that they would know and understand what had happened, and perhaps by telling people what had happened that it might help prevent it from happening again.

Her story is interesting, Mr. Speaker, because I think it indicates some of the real issues at stake here. In going through exactly what happened to her personally I think one can see not only that there is a problem, Mr. Speaker, in one sense but there also is hope as well. She was quite young when the war started in her native Holland. She was a person, she said, who had no fear at the time, and when the Nazis invaded and started to oppress her home country, her first reaction was to join the resistance. She, Mr. Speaker, had seen the random shootings; she'd seen the rounding up of people who opposed the Nazis, particularly the rounding up of the Jewish people in Holland, and she was very concerned about this and she decided to fight back by joining the resistance.

One advantage, Mr. Speaker, was that she was a nurse in training. This allowed her a certain amount of mobility and she became involved quite early on in a program of attempting to save Jewish babies. What the resistance would do, Mr. Speaker, is they would contact people who were about to be taken to concentration camps and arrange to pick up the babies of those individuals for safekeeping until those people would come back from those concentration camps. I think at that point in time, Mr. Speaker, few people knew just how horrible those camps were and just how many people would be murdered in those camps.

Mr. Speaker, she did this for a number of months until on one particular occasion she was caught, and from helping people who were going to concentration camps she found that she was sent to the concentration camps herself. Mr. Speaker, she was sent there not because she was Jewish, she wasn't. She was sent there not because she had attempted to overthrow the Nazis by force, but because she had attempted to save Jewish babies before they were sent off to the Holocaust in the concentration camps.

While she was in the concentration camps, Mr. Speaker, she saw firsthand the killings, the torture, the abuse, the total abuse of human beings and she today still feels the marks of that; she still has a number of health problems related to that. She was fortunate in that she was able to stay alive, Mr. Speaker, until one night when a number of soldiers came into the barracks and called her number, a number she remembers today. They took her out from the barracks and they gave her a German uniform. They then drove her from the camp through the several gates, provided her with money and a passport, which allowed her to get back to Holland. Who were these people who allowed her to escape? They were German soldiers who opposed the Nazis, who, in their own way, attempted to resist the horror of the Nazis and that's an important point, Mr. Speaker, because I know some people of German nationality are often very concerned about the suggestion that the crimes that were committed in the

Second World War were somehow German crimes. I think it indicates that it was not the German people that committed the crime, it was the Nazis, and that's an important point, Mr. Speaker, as I said.

It's important, in looking exactly what happened to her and, as she says, she's only one of hundreds of thousands of millions who've gone through very similar experiences to see that while we have to be very concerned about the horror of rampant racism, as was the case with the Nazis, that there is hope, Mr. Speaker, because even in the midst of that there were some people who were willing to fight back, some people of all nationalities, Mr. Speaker. That's important, particularly when one refers to the existence of the German resistance, because a lot of times that is overlooked. In hearing her concern, her story, I realized just how much of a concern we should have for what has been happening in Alberta.

It's not an isolated incident, Mr. Speaker, I think the recent report in the newspaper that the Leader of the Social Credit Party has resigned over that incident and the fact that Mr. Keegstra was reinstated in the Social Credit Party despite his anti-Semitic views, his indication that he, for one, felt it was not an isolated incident. I would quote from what he said, Mr. Speaker, because I think it has direct bearing on how much concern we should have for what has been happening. He said, and I quote: "We cannot be a successor party to the Nazi Party of Germany," he's referring here to the Social Credit Party, "and we are heading in that direction."

Mr. Speaker, that was the same concern that was expressed to me by Maria Knotts, by Mrs. Knotts. She said that if we allow these things to continue we may allow the complete distortion of history, may allow many people of the younger generations who never saw what happened to accept these historical lies and we may repeat it again. We've all heard of the quote, those that forget history or condemned to repeat it, that is basically what she has said and what I feel that the Social Credit Leader Mark Haddersley has said by his actions in resigning.

Mr. Speaker, I'm sure that some people will say in response, well, that's Alberta. What about Manitoba? Why should we discuss it here in the Legislature of Manitoba? But, as Mrs. Knotts once again pointed out, she said it applies here as well and I think if we look at even the last two or three months it's apparent that there is a problem here.

First of all, the newspaper reports that documents which are anti-Semitic, very similar to the kind of propaganda that has been distributed by people in Alberta, has been distributed here in Manitoba. There was a report in the Free Press of June 1st of this year where members of Winnipeg's Jewish community called for a ban on this material which had been mailed to a number of educational institutions here in Manitoba. One Philip Weiss, Mr. Speaker, who had spent four years in the Mauthausen concentration camp in Austria, I think put it correctly, he said that this Holocaust denial literature is "garbage of historical perversion." He stated that he was the witness to that unbelievable mass murder of the Jewish people, Mr. Speaker. We're having it here in Manitoba. People are distributing the same sort of material and it's not just one or two individuals.

There was another article on June 6 of 1983 in which a retired Morden farmer indicated that he was

concerned about the so-called Canadian League of Rights, which is distributing this kind of material here in Manitoba. So we face that same problem, Mr. Speaker, and I know from personal experience that that exists. I remember when I was president of the University of Manitoba Students Union I, and a professor, received material from the Ku Klux Klan because we had spoken out in support of foreign students at that time, and that material, Mr. Speaker, I might add, was of a very racist nature.

So that is one reason why we have to be concerned, some of these very obvious reasons, Mr. Speaker. But, beyond that, I think it's not just that it is occurring here in Manitoba that it should be of concern to us, I think we should have a broad concern for our country. We should speak up about racial intolerance, not just here at home, in Manitoba, but across the country, because, as I said, Mr. Speaker, we pride ourselves on having a tolerant society. I think this is one way we can work toward achieving it; by speaking out when we are concerned about any problems, such as, racial intolerance.

So if there is a problem, Mr. Speaker, I guess the next question is, what is the solution? Well I, personally, feel that one of the key elements of any solution is greater understanding between people. It comes from contact, Mr. Speaker, between various groups in our society; it's encouraged by various policies, multiculturalism, similar policies, Mr. Speaker. I think it's important, because one thing I remember from what happened in Alberta, was a statement by a student who had believed what this Mr. Keegstra had been telling his students. When he was asked if he'd ever met anybody who was Jewish, he said, no. Here was a person who was anti-Semitic. He'd never met anybody who was Jewish, and yet he was anti-Semitic. I think that's half the problem, Mr. Speaker, is that personal understanding.

But when one is talking about the degree of horror that the Holocaust entailed, I think, it's clear that we must also have an understanding of history. As I said earlier, Mr. Speaker, there's no doubt in my mind that Holocaust is the prime example, that we have seen in history, of unchecked racism, of political persecution combined with that racism, Mr. Speaker, because the people who were killed, they were from various groups. Many Jewish people were killed, Gypsies, Poles, Ukrainians, many people were killed from Germany, itself, because they had political views which were different from the Nazis. So, it's an example of the sheer brutality that can happen if one is not careful to check it before it spreads.

That is why, when I look at what's happening in Alberta, it so concerns me, because what is happening there is an attempt to distort history; to change it; to rewrite it; and I don't think you can do that, Mr. Speaker, history is history. It's a documented fact that millions of people died in the Second World War; that millions of people died in the Holocaust. We cannot deny that; you cannot just wash that off with soap, as one would dirt from one's hands; that is a historical fact. I know some people will say, well that is history, that was 30 or 40 years ago; but I say, Mr. Speaker, to those people, if we forget that - 40 years ago - we can easily repeat the same mistakes today. Because, if one looks around the world, it is not a happy picture that one always

sees. There are wars, Mr. Speaker; there is racism; there is terror, Mr. Speaker, in many countries; there is oppression of human beings. If we have that, Mr. Speaker, why cannot we have the same sort of mass oppression, mass brutality of the Nazis? I think the answer is that we can, if we're not careful.

So I think the solution then, Mr. Speaker, is this kind of understanding and that understanding can only come through education, and by education, and one will note from the resolution that I've talked in terms about private and public education. I feel we should, certainly here in the Legislature of Manitoba, stress the public education side, because we do have some impact on that. I think we should make a concerted effort to make sure the question of the Holocaust is taught in the schools, so that students are aware of the historical fact and they're not persuaded by the historical garbage of the kind that we've seen in Alberta. I think that's important, Mr. Speaker. But I've also mentioned that we need private education, as well, and by that term I'm trying to, I think, emphasize the need, not just for our school systems to provide this kind of education, but also our citizens, as a whole. We should teach it in our homes as much as our schools, Mr. Speaker. We should teach tolerance and we should teach what happens when there is this intolerance.

You know, we've all heard the quote that was made in regard to the Nazis about how, during the period in which they were in, that they first came for the Communists, then they came for the Social Democrats, and then for the Liberals, and then for the Catholics, and eventually, when the individual who made that quote, when they came for him, there was nobody left to protest and that really is the issue on this kind of concern, Mr. Speaker. If we don't protest when someone else is the subject of racial abuse or bigotry - if we don't protest that, Mr. Speaker, then one day maybe it will be our turn, as well. We have a very distinct interest in that, Mr. Speaker. I don't just talk about here in Manitoba, I talk across the world. We have to be concerned about this kind of intolerance anywhere, because it can happen to us, too. It can happen here in Canada, as well.

So, Mr. Speaker, in concluding, I think that there is a problem. There's recent evidence that it's a significant problem and one that we cannot turn away from, but I think there is hope. I think there is hope in terms of the fact that most Canadians are horrified by what they've seen in Alberta, by the racial intolerance. Most Canadians are tolerant and I feel, Mr. Speaker, if we emphasize that tolerance, if we emphasize the education needed to get our message across that we can avoid the problems of history; that we can indeed have the true tolerant society that we seek here in Canada.

Thank you, Mr. Speaker.

MR. SPEAKER: The Honourable Member for La Verendrye.

MR. R. BANMAN: Thank you, Mr. Speaker. I rise to speak on this particular resolution, which I think all members of the House realize is one which we want to go ahead and put a few words on the record with regard to it and support the thrust of the resolution.

Having myself come from a family, who was chased out of Russia; having not really experienced the type

of racism - if you want to call it - that many of the Jewish people did during the Holocaust, but having experienced the type of atrocities and persecutions, which I know many in the Jewish community of Canada, as well as around the world, would relate to, I want to say that I am a firm believer that the strongest way of trying to overcome this type of bigotry and racism and racial tension which we have in this world is, of course, to teach it one's children; to try and teach one's children when they are already very young that this is the type of understanding of the love for one's fellow-man that has to be instilled in them in order for them to not grow up with that type of built-in animosity to their fellow-man and also the inherent things that flow from that.

Mr. Speaker, I want to, during this resolution, also make several comments on some of the things that have concerned me with regard to the particular criticisms from time to time that are levelled on people who, in some instances, do make some contribution and some worthwhile comments with regard to someone who does not happen to be of his or her particular religion, or belief, or particular race, creed or colour. One of the difficulties we are facing in society is we are all very concerned that we do not want to be labelled a racist or a bigot, and a lot of people are now, because of fear of being labelled that, not very often speaking their mind and not seeing exactly what they want to see.

I say to members opposite that is the other side of this coin. I say to the member who introduced this resolution, I believe it's a very worthwhile resolution. On the other hand we have to temper some of that somewhat. We have on our Order Paper two resolutions, one dealing with Native hunting rights, the other dealing with the resolution going to be introduced by the Attorney-General dealing with the changes to the Constitution, dealing with French and English in Manitoba.

I say to members opposite that the trying part in dealing with both of these resolutions and the concern that many people have in dealing with them is that when you say anything that is in any way questioning that particular resolution or dealing with certain aspects of it that are of genuine concern to an individual, there is a tendency by people of all political persuasions to jump on that as being immediately a racist or a bigoted remark because you don't wholeheartedly agree with it. I say to members opposite and I say to all members of the Chamber, I do not feel that when I get up to make a criticism about a resolution such as we have on the Order Paper dealing with Native hunting rights, that I put myself in the racist or bigoted category, far from it. But there are certain things which I believe in the best interests of all Canadians not dealing with the pros and cons whether I'm for that particular race, or for that particular group or against them.

I say to members opposite this has been somewhat of a growing concern to me over the last number of years because we are all somewhat restricted in what we say for fear that it might be construed and somebody might just pick up the torch and say hey, this particular individual is really a bigot and he's racist when in all sincerity the remarks that were made with regard to that were made in the spirit of trying to make this a better country to live in. I just want to put that on the record, Mr. Speaker.

This particular resolution has afforded me the opportunity to say that because it has been of concern to me over the last little while, and as I mentioned, I do not feel that because I question a particular bill that has to do with certain rights of an individual or with a particular group or a resolution or even make a statement with regard to something that is of concern to me and to my constituents that that in any way should be interpreted as a racist remark, far be that from the truth because I feel that we all have something to contribute and I would say all the members of the Legislature are not here to either further one particular interest group over another and use questionable methods of doing that.

As I mentioned earlier, the main thrust in dealing with the problems of racism and bigotry, the main thrust I believe rests with the parents and the individuals who are raising their children. Those attitudes with regard to not getting along with their fellow man, of having certain preconceived notions about any particular race are fostered and are really handed down from generation to generation, and I say to people in Manitoba that it is up to the individuals, the parents of these children, to ensure that every opportunity is taken to point out that we are all people created in the image of God and that we are all equal on this earth. And that we try in every way possible to bring that to bear on our children.

Again, I say to members opposite, there have been many atrocities committed in this world and for some reason history, however, repeats itself. People don't learn from history. We see the war now between Iraq and Iran and we see young 12, 13 year old school children going to war having legs shot off, dying on the battlefield. That is a religious war, Mr. Speaker, and is really one where you really have to say to yourself, you have basically the Arab nations fighting among themselves in a case like this and it really doesn't have anything to do with what I would say, either racist or bigotry. It's a matter, in this particular case, where you have two opposing ideas of people of not different races but really, the same race.

So, I say to members opposite that I, for one, want to say that I support the resolution. I believe, in summing up that the real challenge in dealing with this issue lies with the parents of the children. I don't think that the school system can deal with it totally because we know that most children receive their ideals and their main guidance from homes and to just point that out, I was reading a study the other day that some state in the United States had done with regard to the lowering of the voting age from 21 to 18 and the people in the survey had done a check to see how these new people that received the vote, in other words, the 18-year olds voted and the survey concluded that 98 percent of the people voted the way their parents did. In other words, no matter what they were being taught in the schools or what the outside society was doing, it was the home really, the home environment, that dictated to a large extent how they formulated their opinions.

So, I would encourage all parents to make sure that they do the best they can to try and do away with this type of feeling that is all too prevalent in many parts of the world.

So, with those few comments, Mr. Speaker, I commend the resolution to the members.

MR. SPEAKER: The Honourable Minister of Cultural Affairs.

HON. E. KOSTYRA: Thank you, Mr. Speaker, I, too, rise to support the resolution and commend and congratulate the Member for Thompson for introducing this resolution. I guess I really regret that we have to discuss and debate this kind of issue. I would much prefer that racial intolerance and discrimination not exist in the Province of Manitoba, but I guess that's something we all have to strive for and to work towards.

The issue of racial intolerance and racism is back in the forefront and back on the front pages of our newspapers because of a number of situations, a number of things that have been happening in Canada. The member who spoke earlier mentioned the sad situation in the Province of Alberta with respect to the teacher, Mr. Keegstra, and that situation is one that I think distresses all of us.

I recently read a comment regarding that situation and Mr. Keegstra. It was a comment by Mr. Allan Borovoy, who is the Executive Director, I believe is his title, of the Canadian Civil Liberties Association, where he said that what bothered him about that situation was not Mr. Keegstra's intolerance towards Jewish people, but rather the tolerance of the rest of the us towards the attitudes and the actions of Mr. Keegstra. I, too, share those concerns.

I grew up in the north end of Winnipeg, second generation Manitoban-Canadian of Polish ethnic background. In my younger years, I experienced discrimination, racist remarks, and comments about being a Polack, and comments about my ethnic background. I also recall, in growing up in the north end of Winnipeg, the kind of comments that were made towards people of Ukrainian background, people of Jewish background, and I still hear, though not as frequently I must say, those same kind of comments being made from time to time. So in some ways things haven't improved.

If anything, some of the groups that have been the target of discrimination and racist remarks have shifted. When I was a youth it was people of my background of Ukrainian, of Jewish, it's now shifted to some of the more recent people that have chosen Manitoba and Canada as their home; people of the visible minority background such as people of East Indian background, Sikhs, Black people, Filipinos, and Portuguese.

Just recently there was a report of a study that was done in the City of Winnipeg by the Federal Secretary of State's Department on race relations in the City of Winnipeg. A study done by Dr. Kane and I would like just to share with members some of the findings of Dr. Kane in his study, because as I was preparing to speak on this resolution I spent a few moments to read through that report and what I read in it disturbed me greatly.

Some of the situations, some of the concerns he raised are things that I'm certainly aware of from my own experiences and from the extensive consultation and discussion that I have with representatives of the various ethnocultural organizations in the City of Winnipeg, and in the province, but his report indicates that the problem is much deeper than a lot of us may believe, or may want to believe, Mr. Speaker. He indicates a number of areas and I'd just like to touch on some of them.

He indicates that a lot of the more recent immigrant people keep wondering why when they come to Canada, come to Manitoba - and a number of them have lived here for a great number of years - find themselves still working in positions, working in jobs they're over-qualified for, and have little chance and little opportunity for promotion. He goes into a great amount of detail about individuals who are trained as professionals working in jobs that require no professional training.

He also indicates that there is a great deal of reluctance by those that do feel they are discriminated against from making complaints and trying to bring about redress to the discrimination that they experience. Surprisingly, most of them that participated in the study are unaware of the provisions of The Human Rights Act, either the federal or the provincial Human Rights Act that does provide some degree of protection. Even for those that are aware of the provisions and protections that exist from The Human Rights Act, many are unwilling to complain because they find, for those that have, that the process is long and redress when there is any does little to alleviate the situation.

I think that's one area that I know the Attorney General, the Minister responsible for the Human Rights Commission is aware of and is tempting to work with the Commission to look at the act itself to ensure that it does provide the legislative protection, but more importantly to ensure that the Human Rights Commission, through its practices, through its procedures, does provide and does have the necessary resources to deal with the complaints in a fashion and in a manner that does provide assistance, does provide the opportunity of redress for those that feel they have been discriminated against.

Another area, and one that the Member for Thompson spoke on, and one that he highlighted as far as an area of action or an area that requires considerable action, is the education system. Unfortunately, in the education system there is a lot of stereotyping of minority ethnic groups. It's a problem, I think, that we have to deal with at a number of levels, both in terms of the curriculum and the way we portray visible minorities in our textbooks in the learning materials. I think there has to be greater work done through our teaching institutions, with respect to teachers, and those that work with the students. I think there has to be greater work done by the various school divisions to ensure that there is programs in place that provides for the forum in the education system, in the school system, that provides for greater interaction between children from various ethnic backgrounds, and through that interaction, and through that education, that there be greater understanding of the cultural differences that exist.

As you know, there's situations that are all too common, when people see people that are different, because of colour, or because of their dress and people create biases based on those perceptions. I think the way to break them down is through greater interaction between the various groups in Manitoba's society; through the education system; and through other means, which I would make reference to a bit later.

To give you one example of the kind of situation that does exist in the school system, one that is documented in the report that Dr. Kane did, and this is, I guess, kind of an extreme example of stereotyping by the school

system. But Filipino children that were born and raised in Canada, and who spoke English fluently, were put into ESL classes in the school system, because of someone's perception that because they were Filipino that somehow they couldn't speak English. Without checking the records, without even talking to the children, officials in one school division put Filipino children automatically into ESL - English as Second Language courses - thinking that because they're Filipino, they can't speak English.

That's a rather extreme example I would suggest, but one, I think, that is indicative of a problem in our education system, and I think that there has to be a greater effort by the school system to provide the forum within the programs of our schools to bring about the greater understanding of the cultural differences that are the very strength, in some ways, of the Manitoba society. It means some extra effort; it means bringing people into the schools to sensitize and to educate and to inform children, but I think it's important.

Another area that is indicated in the report is the whole area of the media. I think we've seen, all too often, situations where the media tends to sensationalize stories that relate to people of ethnic minorities and specifically mention the national or ethnic origin of people involved in a fight, though origins of Caucasians go unrecorded in stories. But yet, when there is a dispute evolving around some people of ethnic minority, that is specifically reported, so I think that's indicative of a bias.

We also see, and it's, I guess, a general statement about the state of the media is that they tend to play up, tend to sensationalize those kind of situations and don't deal with the positive aspects of intercultural, inter-ethnic relations. I know this is one criticism that I personally heard many, many times from the leadership of the various ethnic minorities and their organizations in the City of Winnipeg, that they're concerned, and they're frustrated by the lack of attention and interest from the media, outside of those situations when there is some form of sensationalism that causes the media to suddenly look up and take notice of that particular group.

There's other areas of the media advertising. If you look at the various ads that appear, the people in those ads don't really reflect the Manitoba mosaic. They tend to be people that are white and there is usually no or little reflection in our advertising of the visible ethnic minorities that exist in the province and who make up a considerable number of Manitobans.

We can also see the same situation with respect to people working within government and all levels of government. Particularly, there's a common complaint made, and it's described in this report with respect to the police and the lack of understanding by the police of cultural differences and the role those kind of things may play from time to time in situations that involve some ethnic minorities. Because you have situations, Mr. Speaker, where you have people that have come from a country, where the situation of dealing with the police is not like it is in this country, where we have a police force that exists under democratic control, but they have come from countries where the police were a vehicle and a form of repression and of brutality in those countries, so they have a natural inhibition towards the police here, but there's a lack of

understanding, a lack of education within the police force of those kind of cultural differences.

I suggest that we ought to be looking at ways to ensure that the police are more sensitive to those areas, and secondly, that we look at the police force, at other areas of government activities, with an eye on affirmative action, because it is one thing to talk about education, and it's one thing to talk about greater information and greater understanding. I agree with the comments the

Member for La Verendrye with respect to the family, but we have to go beyond that, Mr. Speaker.

MR. SPEAKER: Order please. The time being 5:30 p.m., when this resolution is next before the House, the honourable member will have four minutes remaining.

I'm leaving the Chair to return at 8:00 o'clock this evening.